To be senior assistant surgeons

George Roush, Jr.
Stanley E. Gitlow
David Horwitz
Mahlon J. Shoff
Albert Sjoerdsma
Stephen Parks
Robert A. Marks, Jr.

To be senior assistant dental surgeons

Jacob D. Subtelny
Donald A. Gillespie

To be senior assistant nurse officer

Agnes H. Des Marais

IN THE AIR FORCE

The following-named persons for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list, under the provisions of section 407, Public Law 351, 81st Congress (Career Compensation Act of 1949):

Ellis L. Gottlieb, 2244A.

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947); title II, Public Law 365, 80th Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947); and section 307 (b), Public Law 150, 82d Congress (Air Force Organization Act of 1951), with a view to designation for the performance of duties as indicated:

To be majors, USAF (Medical)

Eugene R. K. Leiter, AO511916.
Lawrence D. Stuart, AO2241414.
Fletcher H. White, AO369072.

To be captains, USAF (Medical)

Harry T. Cerha, O411960.
Fritz M. G. Holmstrom, AO1906782.

To be captains, USAF (Dental)

Dewey M. Metts, Jr., AO660782.
William T. Stillson, AO2240433.

To be first lieutenants, USAF (Medical)

Claude T. Anderson, AO703082.
Ned B. Chase, Jr.
James R. Clay.
George P. Collins.
Richard C. Dinmore, AO817639.
Dale E. Dominy.
Charles M. Earley, Jr., AO2261729.
George C. Hamill, AO2261357.
Paul H. Jacobs, O1324541.
Carlton E. Jones, AO2091535.
Bruce R. Little.
William C. McCormick, AO2261668.
Esteban Moreno-Salas, AO3000324.
Dwight E. Newton, AO703781.
Paul C. Peters, AO2261679.
Lawrence W. Pollard, Jr., AO2261681.
Jay H. Poppell.
Harold C. Sadin.
William I. Silvernail, Jr.
George G. Susat.
James P. Taylor.
Kermit Q. Vandenbos, AO4013838.
Julian E. Ward, AO1858964.

To be first lieutenant, USAF (Medical Service)

George F. Allen, AO2239083.

The following-named persons for appointment in the Regular Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947):

To be first lieutenants

Vincent O. Adams, Jr., AO2215252.
Dale A. Bittinger, AO2218078.
Stuart E. Burtt, AO712375.
William A. French, AO2217565.
Frank W. Harding III, AO1860108.
James B. Hughes, AO943116.
Eugene D. Levy, AO2232213.
George J. Morton, AO2228684.
Edwin E. Thompson, AO1859135.
Joseph B. Wratten, Jr., AO1857480.

SENATE

WEDNESDAY, NOVEMBER 10, 1954

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal Spirit, whom we seek in vain without unless first we find Thee within: May the hush of Thy presence fall upon our spirits, quiet our minds of their fretfulness, allay the unhappy irritations and resentments which threaten the tranquillity of this new day, hallow our lives with the grace of contrition and humility. Breathe through the heats of our desire Thy coolness and Thy balm; take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace.

Increase the sensitive area of our sympathies that we may reach out with understanding to those whose perplexities we may not share. Chasten our judgments of others with the realization that what we know is so little, and that what we comprehend is less.

And now, from the rising of the sun until the going down of the same, of Thy goodness give us, with Thy love inspire us, by Thy spirit guide us, by Thy power protect us, and in Thy mercy receive us, now and always, through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BUTLER, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, November 9, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY AND PROTOCOL THERETO—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive K, 83d Congress, 2d session, the Southeast Asia Collective Defense Treaty and the protocol thereto, both signed at Manila on September 8, 1954.

The Chair understands there is no objection by the State Department to the removal of the injunction of secrecy from this treaty. If there is no objection, that action will be taken; and, without objection, the treaty and protocol, together with the President's message, will be referred to the Committee on Foreign Relations; and the President's message will be printed in the RECORD.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Southeast Asia Collective Defense Treaty and the protocol thereto, both signed at Manila on September 8, 1954.

I transmit also for the information of the Senate a copy of a declaration known as the Pacific Charter which was drawn up at Manila and signed on that same date. The charter proclaims the dedication of the signatory governments to the ideals of self-determination, self-government, and independence. It is a declaration of principles and does not require the advice and consent of the Senate.

There is further transmitted for the information of the Senate the report made to me by the Secretary of State regarding the Southeast Asia Collective Defense Treaty and the protocol thereto. I concur in the recommendation of the Secretary that the unanimous agreement required by article IV, paragraph 1, for the designation of states or territories, by article VII for the invitation to states to accede to the treaty, and by article VIII for a change in the treaty area is to be understood in each instance as requiring the advice and consent of the Senate.

The treaty is designed to promote security and peace in southeast Asia and the southwestern Pacific by deterring Communist and other aggression in that area. It is a treaty for defense against both open armed attack and internal subversion. Included in the treaty is an understanding on behalf of the United States that the only armed attack in the treaty area which the United States would regard as necessarily dangerous to our peace and security would be a Communist armed attack. The treaty calls for economic cooperation to enable the free countries of this area to gain strength and vigor, not only militarily, but also socially and economically.

The Southeast Asia Collective Defense Treaty complements our other security treaties in the Pacific and constitutes an important link in the collective security of the free nations of southeast Asia and the Pacific.

I recommend that the Senate give early and favorable consideration to the

treaty and protocol submitted herewith, and advise and consent to the ratification thereof subject to the understanding of the United States contained in the treaty.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *November 10, 1954.*

(Enclosures: 1. Report of the Secretary of State. 2. Copy of the treaty. 3. Copy of the protocol. 4. Copy of the Pacific Charter.)

LEAVES OF ABSENCE

Mr. JOHNSON of Texas. Mr. President, the Senator from Florida [Mr. SMATHERS] has been appointed a member of the United States delegation to the fourth meeting of the Economic and Social Council of the Organization of American States, which is scheduled to meet in Rio de Janeiro, Brazil, during this month. In addition, the Senator from Florida has been appointed as a member of the Committee on Interstate and Foreign Commerce to make a study of aviation problems in the Caribbean area.

I ask unanimous consent that the Senator from Florida be excused from attendance upon sessions of the Senate for an indefinite period.

The Senator from Tennessee [Mr. GORE] has been appointed a member of the American delegation to the conference in Geneva, Switzerland, considering the renegotiation of the General Agreement on Tariffs and Trade.

I ask unanimous consent that he be excused from attending sessions of the Senate for an indefinite period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FROM KANSAS

Mr. CARLSON. Mr. President, I present the certificate of election of ANDREW F. SCHOEPPEL, to be a Senator from the State of Kansas.

The PRESIDENT pro tempore. The certificate will be read.

The certificate of election was read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION—HON. ANDREW F. SCHOEPPEL, UNITED STATES SENATOR FROM KANSAS

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November 1954, the Honorable ANDREW F. SCHOEPPEL was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1955.

Witness: The Governor of Kansas, Edward F. Arn, and our seal hereto affixed at Topeka, Kans., this 3d day of November, in the year of our Lord, 1954.

EDWARD F. ARN,
Governor.

By the Governor and certified to by—
[SEAL] PAUL R. SHANAHAN,
Secretary of State.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. BUTLER. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, is is so ordered.

CALL OF THE ROLL

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Abel	Flanders	Martin
Aiken	Frear	McCarthy
Anderson	Fulbright	McClellan
Barrett	Gillette	Monroney
Beall	Goldwater	Morse
Bennett	Gore	Mundt
Bricker	Green	Murray
Bridges	Hayden	Neely
Brown	Hendrickson	Pastore
Bush	Hennings	Payne
Butler	Hickenlooper	Potter
Byrd	Hill	Purtell
Capehart	Holland	Robertson
Carlson	Hruska	Russell
Case	Humphrey	Saltonstall
Chavez	Jackson	Schoeppel
Clements	Johnson, Colo.	Smith, Maine
Cooper	Johnson, Tex.	Smith, N. J.
Cotton	Johnston, S. C.	Sparkman
Crippa	Kefauver	Stennis
Daniel, S. C.	Kilgore	Symington
Dirksen	Knowland	Thye
Douglas	Kuchel	Watkins
Duff	Langer	Welker
Dworshak	Lehman	Wiley
Eastland	Lennon	Williams
Ellender	Magnuson	Young
Ervin	Malone	
Ferguson	Mansfield	

Mr. SALTONSTALL. I announce that the Senator from Oregon [Mr. CORDON], the Senator from New York [Mr. IVES], the Senator from Indiana [Mr. JENNER], and the Senator from Colorado [Mr. MILLIKIN] are nesessarily absent.

Mr. CLEMENTS. I announce that the Senator from Ohio [Mr. BURKE], the Senator from Texas [Mr. DANIEL], and the Senator from Louisiana [Mr. LONG] are absent on official business.

The Senator from Georgia [Mr. GEORGE] and the Senator from Oklahoma [Mr. KERR] are necessarily absent.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Florida [Mr. SMATHERS] is absent by leave of the Senate on official business.

The PRESIDENT pro tempore. A quorum is present.

Routine business is now in order.

INTRODUCTION OF BILLS

Mr. LANGER. Mr. President, I send to the desk four bills for appropriate reference.

The PRESIDENT pro tempore. The Chair informs the distinguished Senator from North Dakota that when the House of Representatives is in sine die adjournment, introduction of proposed legislation is not in order in the Senate. The Congress is not in session for regular legislative business.

MEETING OF NATIONAL INVENTORS' COUNCIL IN NEW YORK

Mr. WILEY. Mr. President, I was pleased to hear from Mr. Lawrence Langner, its able secretary, that next Thursday, November 18, the National Inventors' Council, which is in charge of initially evaluating civilian inventions for the Army, Navy, and Air Force, will be meeting in New York.

On that evening the American Newcomen Society is tendering a dinner in honor of the chairman of the council, Dr. Charles F. Kettering, the renowned inventive genius of the General Motors Corp.

The National Inventors' Council is, as I have been glad to point out on several occasions on the Senate floor, a tremendously vital medium for tapping the inventive genius of the American people in developing new ideas, processes, devices, and machines for the strengthening of American defense.

In my capacity as chairman of the Senate Judiciary Subcommittee on Patents, Trade-Marks, and Copyright Law, it is my intention to continue efforts to stimulate the inventive process. Upon this process may well depend the very life of this Nation in this danger-strewn age.

I should like now to convey my warmest greetings on this latest, in a long series, of outstanding honors tendered to Dr. Kettering, and I should like to greet as well his distinguished associates on the council.

I hope that in the months and the years to come the council will play an ever larger role in the United States Department of Commerce in conjunction with the Department of National Defense.

FAIR PROCEDURES FOR INVESTIGATING COMMITTEES

Mr. BUSH. Mr. President, the select committee, under the chairmanship of the distinguished Senator from Utah [Mr. WATKINS], has recommended additions to the Senate rules which would constitute a first step toward establishing fair procedures for investigating committees.

In the days of controversy which lie ahead of us, I hope that the Senate will not lose sight of the importance of adopting the proposed rules in the present session.

It was for the purpose of obtaining prompt consideration of this problem that my proposed code of fair investigating procedures, embodied in Senate

Resolution 253, was introduced as an amendment to the resolution calling for the censure of the junior Senator from Wisconsin [Mr. McCARTHY].

It has long been my conviction that the Senate would not today be in the distasteful position of considering whether to censure one of its Members if a code of fair procedures had been a part of the rules in the past, and if such a code had been enforced.

The Senate itself must bear a share of the blame for failing to establish proper standards for committees. Any committee is but an agent of the Senate. Adoption of the rules recommended by the Watkins committee would be a welcome signal to the Nation that the Senate recognizes the need of setting its own house in order.

Mr. President, I ask unanimous consent that a statement I have prepared in regard to this matter be printed at this point in the body of the RECORD.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The proposed rules are but a small part of what is required: a complete code of investigating procedures which will give essential protections to the rights of witnesses and others who may be adversely affected by Senate investigations, and which, at the same time, will permit firm and vigorous inquiries into all suspected wrongdoing.

The Subcommittee on Rules has given long and careful study to the many problems involved in drafting such a code. It is considering resolutions introduced by others in addition to that sponsored by me. It is my hope that the full Committee on Rules and Administration will soon be able to recommend to the Senate a carefully worked out code embodying the best among all the suggestions which have been made.

The question of how investigations should be conducted must now be removed from the area of controversy. It has caused unhealthy divisions among Americans who should be united in supporting the Congress in getting the facts about subversion, and all other kinds of wrongdoing.

When I first introduced Senate Resolution 253, I said this:

"We need a united nation to meet the Communist threat in the world; we need a united nation to make certain that our democracy is not destroyed by subversion from within.

"The Senate can make progress toward forging that essential unity by insisting that investigations into subversion, and all other investigations as well, be conducted with fairness and a sense of responsibility."

This is a matter in which political partisanship should play no part. It is my hope that Senators on both sides of the aisle will support the rules recommended by the Watkins committee, and adopt them in this session. Then, when the 84th Congress convenes, we should consider adoption of the more complete code of fair investigating procedures for which the need has been amply demonstrated.

FEDERAL HOUSING PROGRAMS

Mr. BYRD. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, on April 14, 1954, I advised the Senate of the committee's interest in Federal housing programs and promised to make factual reports.

From time to time these reports have been made for the record, mostly in the form of correspondence with Mr. Albert M. Cole, Administrator, Housing and Home Finance Agency.

In accordance with this practice I ask unanimous consent to have inserted in the body of the RECORD several statements by me as chairman of the joint committee, and further correspondence with Mr. Cole, during the recess of the Senate, as follows:

First. A letter from Mr. Cole, dated August 13, 1954, in response to committee letters of May 4 and May 12, 1954, relating to rentals on FHA-insured projects;

Second. A letter from Mr. Cole, dated September 16, 1954, in reply to a committee letter of August 3, relating to Public Housing Administration projects;

Third. A letter from Mr. Cole, dated September 24, 1954, responding to a committee letter of August 6, 1954, relative to insuring loans for builders who previously have exploited Federal housing programs for windfalls;

Fourth. A committee letter to Mr. Cole, dated November 1, 1954, inquiring as to the college housing program under the Housing and Home Finance Agency, to which there is no reply to date;

Fifth. A committee letter to Mr. Cole inquiring as to dismissals of personnel from constituent agencies of the Housing and Home Finance Agency resulting from current and recent investigations, to which there is no reply to date.

In addition to this correspondence with the Housing and Home Finance Administration, I also request unanimous consent for the insertion in the RECORD of a statement by the chairman of the committee relative to HHFA action to recover FHA windfalls.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

HOUSING AND HOME FINANCE AGENCY,
Washington, D. C., August 13, 1954.

Hon. HARRY F. BYRD,
United States Senate,
Washington, D. C.

DEAR SENATOR BYRD: This will supplement the information orally furnished to Mr. Haywood Bell, your administrative assistant, relating to that portion of my letter of May 4 concerning the fixing of rentals by FHA on FHA-insured projects. This was also the subject of your letter of May 12, in which you inquired specifically whether there is an instance where rentals are higher because the loan was insured on the basis of estimated replacement cost instead of actual cost.

I regret to advise you that in every instance of insured housing, except military housing under title VIII, where the loan was insured on the basis of an estimated replacement cost which was higher than the actual cost, the authorized rentals were higher than they would have been had the loan been insured on the basis of the lower cost.

A specific instance is the case of Shirley-Duke Apartments, Alexandria, Va. On June 28, William F. McKenna, Deputy Administrator, testified before the Senate Committee on Banking and Currency as follows:

"Of course, Senator, that shows the harm that is done by the whole mortgaging out process. The burden is placed on the tenant. The person who should have benefited by the act is paying for this. Every family in the Shirley-Duke Apartments pays a minimum of $70 to $85 a year because of this mortgaging out process, and will pay it for the 33-year life of the loan."

Sincerely yours,

ALBERT M. COLE,
Administrator.

STATEMENT BY SENATOR BYRD

As chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I wrote to Mr. Albert M. Cole, Housing and Home Finance Administrator, on August 3 requesting information pertaining to the low-rent public housing program administered by the Public Housing Administration.

Mr. Cole replied under the date of September 16. Subsequent correspondence was required relative to nine cases of "irregularities or illegalities" still under investigation.

Mr. Cole's letter, with description of these nine cases deleted, follows:

HOUSING AND HOME FINANCE AGENCY,
Washington, D. C., September 16, 1954.

Hon. HARRY F. BYRD,
Chairman, Joint Committee on Reduction of Nonessential Federal Expenditures, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: In reply to your letter of August 3, I enclose two copies of a statement containing further information pertaining to the low-rent public housing administered by the Public Housing Administration pursuant to the Housing Act of 1937, as amended.

If, upon review of the enclosed statement, you desire any additional information or explanatory material, please feel free to communicate with me.

Sincerely yours,

ALBERT M. COLE,
Administrator.

SEPTEMBER 2, 1954.

STATEMENT IN RESPONSE TO SENATOR BYRD'S REQUEST OF AUGUST 3, 1954, PERTAINING TO THE LOW-RENT HOUSING PROGRAM ADMINISTERED BY THE PUBLIC HOUSING ADMINISTRATION PURSUANT TO THE UNITED STATES HOUSING ACT OF 1937, AS AMENDED

Question No. 1. "With the understanding, of course, that PHA loan funds are in the nature of a revolving fund, it would be appreciated if you would advise the aggregate gross total of loans made by PHA for low-rent housing programs since the inception of the Housing Act of 1937; and the gross amount lost to the fund through default or other failure to repay the loan."

Answer. The gross total of loans made to local authorities by PHA and its predecessor agencies for the low-rent housing program since its inception under the Housing Act of 1937 amounted to $3,882,137,477 as of June 30, 1954. This includes loans to local authorities evidenced by notes of all types and also loans by PHA under the original program evidenced by so-called series B bonds. This total includes the amount loaned in connection with both completed and uncompleted projects, but does not include amounts borrowed by PHA and invested in projects developed and still owned by PHA.

Because of the short-term character of most of the loans made by PHA, such loans are made and remade several times in connection with a given project. The above

figure therefore includes a very large duplication in relation to the cost of the projects actually financed.

The total losses of principal definitely established and written off the PHA books in connection with all loans to local authorities since the inception of the low-rent program amounted to $534,952 as of June 30, 1954. Interest losses written off in connection with these losses amounted to $139,239. In connection with these losses, it should be noted that $334,507 of the total principal amount was in connection with the termination of the low-rent farm program, the liquidation of which program was directed by the Congress in connection with the passage of the Housing Act of 1949.

In addition to the above losses which have been definitely established, the PHA has set up a reserve of the principal amount of $1,116,000 for losses in connection with loans on which there appears little, if any, chance of collection; the reserve for interest losses on these loans amounts to $50,000. In connection with this reserve, it should be noted that $493,133 of the principal amount is in connection with the termination of the low-rent farm housing program mentioned above.

Question No. 2. "It will be appreciated if you will advise the aggregate gross total of local public agency temporary notes which have been secured by PHA since the inception of the Housing Act of 1937, and the aggregate gross loss to PHA as a result of defaults or other failures to pay off the temporary loan notes."

Answer. The gross total of local authority temporary notes which have been issued and secured by PHA since the inception of the Housing Act of 1937 amounted to $8,213,836,500 as of June 30, 1954.

Because of their short-term character, temporary loan notes are generally issued and reissued a number of times in connection with a given project. The above figure therefore includes a great deal of duplication in relation to the cost of the projects actually financed.

There have been no losses, either of interest or principal, to PHA or to private investors as a result of defaults or other failures to pay off temporary loan notes.

Question No. 3. "It would be appreciated if you will advise whether the local agencies' long-term bonds are secured by PHA; if so, the aggregate gross total of these bonds which have been secured by PHA since the inception of the Housing Act of 1937, the average term of the bonds, and the aggregate gross loss sustained by PHA as a result of defaults or other failure to pay off the bonds."

Answer. The long-term bonds sold by local housing authorities to finance the capital cost of low-rent projects are secured by a pledge (on the part of the local authority to the bondholders) of the annual contributions which PHA has contracted to pay in relation to the respective projects.

The gross total of long-term bonds, secured by a pledge of the above nature, which have been sold to private investors since the inception of the program under the Housing Act of 1937, amounted to $1,454,517,000 as of June 30, 1954. The average term of these bonds was approximately 20½ years. The above total does not include amounts loaned to local authorities by PHA and evidenced by series B bonds, which amounts are included in the total of PHA loans given in answer to question No. 1.

In the early 1940's a number of the bond issues of local authorities were called and refinanced in order to secure larger coverage or more attractive interest rates. The above figure, therefore, involves some degree of duplication in relation to the actual cost of the projects financed.

In addition to these long-term bonds, notes running up to 8 years and secured by a pledge of annual contributions have been sold by local authorities to private investors, primarily in connection with the financing of smaller projects. The gross total of such notes which have been sold since the inception of the program under the Housing Act of 1937 amounted to $18,707,900 as of June 30, 1954.

There have been no losses, either of interest or principal, to PHA or to private investors, as a result of defaults or other failures to pay off long-term bonds or notes similarly secured.

Question No. 4. "In connection with the public housing program generally, it will be appreciated if you will advise as to the safeguards established by the Housing and Home Finance Agency to preclude collusion and other exploitation of the program; a list of cases considered to be irregular or illegal recorded to date, and the action taken in each case."

Answer. We are enclosing a copy of Form No. PHA–2172 (Rev. Sept. 1, 1951), which constitutes part 2 of the annual contributions contract employed by the Public Housing Administration in this program. This document vests adequate controls in the Public Housing Administration from the inception of a local program until Federal interest therein ceases.

Article I of this document governs the acquisition of sites and the construction of projects. Its provisions include: Section 103 (C) which requires PHA prior approval to the purchase of any portion of a site; sections 106 and 108, which require PHA approval of plans, specifications, drawings, and related documents; section 109, which requires open and competitive bidding in the selection of the building contractor; section 110 (B) which prohibits the award of the construction contract without the prior approval of the PHA; and section 121 relating to PHA inspection and review of the construction work.

Article II of this document governs the management of projects and contains provisions designed to insure that projects are used for the housing of eligible families and are operated to promote serviceability, efficiency, economy, and stability.

Article III relates both to development and operation. Provisions pertinent to your query in this article are section 306, which prescribes regulations governing procurement by the local housing authority substantially following the statute controlling Federal procurement; and section 311, which accords to the PHA full access to the projects and to the books and records of the local housing authority, including the right to audit such books and records.

You will note that in article IV (which deals with the fiscal aspects of the local program), provision is made in sections 404 and 407 for budgetary controls by PHA of local housing authority expenditures; also that under section 408, which governs advances of funds by PHA, the local housing authority, as a condition precedent to any such advance, must demonstrate the need for the funds involved.

Article V relates to defaults and remedies and, in addition to affording to the PHA all remedies normally available at law or equity in the event of breach or default by the local housing authority, provides in sections 501 and 502 that in case of substantial default or substantial breach (as defined in secs. 506 and 507), the local housing authority shall convey title to, or deliver possession of the projects to, the PHA. Another extraordinary remedy available to the PHA is contained in section 402 (F) which provides that in case of substantial default or breach or where fraud or misrepresentation is involved, the PHA may require the bank or depositary of the local housing authority to refuse to permit the local authority to make further withdrawals from the bank or depositary.

In the administration of the low-rent housing program, the Public Housing Administration maintains a continuous inspection and review of the entire local operation. The site is inspected and its proposed cost is reviewed by land technicians; a project engineer is stationed at each project during the construction period; fiscal audits are made periodically; occupancy audits to insure that only eligible families are housed in the project and property inspections to insure proper maintenance of projects also are made periodically; and the local housing authority is required to make regular reports reflecting its operations. In connection with the latter, your attention is directed to the provision of title 18, United States Code, section 1012, which provides in part that the making of false reports or statements to the PHA shall constitute a felony.

It should also be noted that all local and Federal employees who handle moneys in the program are under bond. Contractors constructing projects also must provide performance and payment bonds.

As a further safeguard against collusion or other exploitation in the low-rent program, a special staff from the Housing and Home Finance Agency is available to provide expert investigation into the facts. Should these facts warrant penal action, the case is referred promptly to the Department of Justice and the Federal Bureau of Investigation.

Complying with your request, we are attaching a list of irregularities or violations of law which have been encountered in the low-rent housing program. Since 1950, the Public Housing Administration has maintained separate files on these matters. Those listed as having occurred prior to 1950 were taken from PHA's general files.

For your convenience, the attached list describes each case only in its essential details; however, should you want complete detail on any particular case, we shall be happy to offer you or your representative our complete file on it.

The attached listing covers approximately 17 years of operation and the administration of a program housing over one million and a half persons.

You will note that a few of the cases on the attached list are the subject of continuing investigation or litigation. A disclosure of the facts in these cases could have an adverse effect on the interests of the Government. Hence, it will be appreciated if such cases be treated as confidential; at least, until you or your representatives have an opportunity to discuss their latest developments with the PHA legal staff.

NOTE.—Conforming with the paragraph above, 9 cases have been eliminated from the following "list of cases encountered in low-rent program involving irregularities or illegalities."

These cases have been deleted from the list on the certification by Mr. Cole that they are "still under investigation by either the FBI or the HHFA and are regarded as instances where a disclosure at this time might adversely affect the interests of the Government."

Eight of those deleted are said to be 1954 cases, and the ninth is said to be a 1953 case.

With these deletions, the paragraph in Mr. Cole's letter immediately preceding this note is no longer applicable to any item in the list which follows.

HARRY F. BYRD,
Chairman.

List of cases encountered in low-rent housing program involving irregularities or illegalities

Locality	Year	Nature of case and action taken
Alabama: Abbeville, Columbia, Cottonwood, Elba, Geneva, Florala, and Opp.	1952	Local authority official had interest in local authority contracts in violation of PHA contract and State law. PHA prohibited payments to contractor under such contracts. Same official and contractor involved in all communities, the official being a part-time employee of each local authority. Case reported by PHA to Department of Justice.
Fairfield	1948	Embezzlement by local authority employee of $363.50. Full restitution made by employee. Local authority instructed to report case to State law enforcement officers.
Mobile	1953	Contrary to its own regulations and its contractual obligation to PHA, local authority purchased materials and supplies without competitive bidding. Particular local firms were favored. An official of the local authority sold supplies to the local authority in violation of PHA contracts and State law. PHA ordered local authority to discontinue these practices. The official involved resigned.
California:		
Benicia	1947	Embezzlement of $6,391.56 by local authority employee. Convicted in Federal court. $5,000 (total amount of bond) recovered.
South San Francisco	1947	Embezzlement of $116.58 by local authority employee. Full restitution made. Employee discharged. Case reported to Justice.
Florida:		
Key West	1954	Construction failure experienced in project apparently occasioned by contractor deviating from specifications. Corrective work being undertaken; claims being processed against responsible parties.
Daytona Beach	1949	Shortage of $249.30 in accounts of local authority employee. Full restitution made. Employee discharged. Case reported to local law enforcement officers.
Miami	1945	Embezzlement of $1,959.94 by local authority employee. Case reported to Department of Justice. Full recovery made.
Do	1948	Embezzlement of $315.25 by local authority employee. Full restitution made. Employee discharged. Case reported to local law enforcement officers.
Georgia:		
Brunswick	1944	Alleged violation of Hatch Act and similar statutes by local official. Also charges that such official was using Government property for personal gain. Case reported to Civil Service and Justice Department.
Decatur	1945	Embezzlement of $210.99 by local authority employee. Case reported to Department of Justice. Loss recovered.
Marietta	1949	Shortage of $728.75 in cash. Local authority employee made full restitution. The employee was fired.
Illinois:		
East St. Louis	1949	Official of local authority convicted in Federal court on charges of making false reports relating to tenant rental accounts. Fined $300. Employee discharged. Full recovery of funds effected.
Peoria	1954	Local authority employee accepted gratuities from contractor. Employee discharged. Official in local authority also accepted minor gratuities from contractor. Local authority warned that even minor infractions will not be tolerated.
Springfield	1946	Embezzlement of approximately $10,000 by local authority employee. Funds repaid by bonding company and family of employee. Employee disappeared. Case reported to both Federal and local law enforcement officers. Record does not indicate whether embezzler was ever apprehended.
Indiana:		
Fort Wayne	1948	Shortage of $7,360.14 in accounts of local authority official. Entire amount reimbursed by bonding company and local bank. Official discharged. Case reported to Department of Justice.
Gary	1946	Embezzlement of $346.83 by employee of local authority. Full restitution made. Employee discharged. Case reported to both General Accounting Office and Department of Justice.
Indianapolis	1953	3 cases of submission of false affidavits by tenants as to income in violation of 18 U. S. C. 1012 reported to Department of Justice. Tenants evicted.
New Albany	1942	Alleged interest of local officials in project material supply contract. Case reported to Department of Justice. PHA required termination of contract.
Indianapolis	1952	The local authority breached its contract with PHA covering the development of a low-rent housing program upon action by the city rescinding the cooperation agreement between the city and the local authority and revoking other previous approvals which were required as conditions precedent to such program under applicable Federal or State law. The PHA has requested Department of Justice to enforce payment by the city and local authority of approximately $226,000, representing loans made prior to such breach of contract.
Kentucky:		
Madisonville	1941	Bribery or attempted bribery by city official in connection with local authority construction contract. Case reported to Department of Justice. Prosecution instituted in State court. No record as to results of this action. No monetary loss suffered by program.
Owensboro	1950	Local officials attempted fraud in connection with land acquisition. Principals indicted. Trials resulted in hung juries. All funds involved recovered.
Maryland: Baltimore	1949	Cash shortage of $397.77 in local authority accounts. Cashier discharged. Funds repaid partly by withholding salary due chashier and partly by insurance company. Local authority ordered to report case to local law enforcement officers.
Massachusetts: Boston	1952	Payroll padding. Expense so incurred disallowed as charge against program.
Michigan: Detroit	1940	Bribery of city officials by local authority contractor. Convictions sustained against officials and contractor. Head of contracting firm suicided. Contract canceled.
Mississippi: Biloxi	1940	Official of local authority had interest in local authority contract in violation of PHA contract and State law. Official required to resign.
New Jersey:		
Bayonne	1953	Local authority solicited and received donation from contractor for entertainment in connection with completion of project. Local authority ordered to stop such practices.
Camden	1950	Apparent embezzlement of $665.98 by local authority employee. Full reimbursement made by bonding company. Employee discharged. Case reported to Department of Justice.
Harrison	1949	4 officials in local authority convicted in Federal court of receiving kickbacks from contractors. Sentences: From $500 fine to 6 months' confinement. (Sentence of 1 official who aided prosecution suspended. Sentence of another defendant suspended because of his age.) Of the $28,000 involved, $18,000 has been recovered. Claims are being prosecuted to collect balance.
Jersey City	1953	Admissions and continuance in occupancy of ineligible tenants. Local authority required to evict all ineligibles. 1 case involving false statements by tenant now before local grand jury. Special surveillance being maintained by PHA on local authority operations.
Do	1954	Improper approvals by local authority of change orders to construction contract. This matter is now in the courts.
Lodi	1950	Local authority rejected construction bids apparently for purpose of obtaining contractor who would make kickbacks. PHA defaulted local authority and attached all funds theretofore advanced. Contractual relationship subsequently was resumed, upon assurance by local officials that strict observance of contract would be maintained.
Do	1951	Local authority withheld periodical payments to contractors apparently for purpose of obtaining kickbacks. PHA required local authority to make all payments when due.
Do	1952	Official of local authority received $200 kickback from subcontractor. Money subsequently repaid to subcontractor. Case reported to local prosecuting attorney.
Newark	1953	Noncompliance by general contractor. Ensuing investigation resulted in contractor undertaking corrective work. Work being currently performed.
New York: Buffalo	1950	Cash shortage of $2,626.08 in accounts local authority. Full reimbursement by bonding company and employee involved discharged. Case reported to local and Federal law enforcement officers.
Ohio: Zanesville	1940	Officials of local authority alleged to have attempted to obtain kickbacks from contractor. Report made to Department of Justice; 1 official of local authority forced to resign.
	1948	Conflict-of-interest case involving employment of official of local authority. Case reported to Department of Justice. Local authority required to terminate employment contract.
Pennsylvania: Chester	1953	Admissions and continuance of occupancy of ineligible tenants. Local authority required to evict all ineligibles. Project manager discharged. Close surveillance being maintained by PHA on local authority operations.
Rhode Island: Woonsocket	1952	Official of local authority made false statements in violation of 18 U. S. C. 1001. Case reported to Department of Justice.
Tennessee: Jackson	1950	An official of local authority alleged to have acquired certain real property (in the name of a third party) after local authority had selected such property for inclusion in a project site. This case was investigated by the FBI and submitted to a grand jury in 1951 which failed to take action.
Texas: Houston	1950	Shortage of $358.53 in accounts of local authority employee. Employee died before completion of audit. Reimbursement by deduction from terminal leave payments due employee.
	1950	Shortage of $1,310.69 in accounts of local authority employee. Full reimbursement by employee who was discharged.
	1952	Local authority executive director committed irregularities ranging from embezzlement and extortion to mismanagement. In 1953, on the basis of evidence furnished by the PHA, this official was indicted, convicted on 5 counts, and sentenced to 1 year on each count (to run concurrently) and fines totaling $3,000. Subsequently this punishment was remitted by the trial court. Other remedial action included the removal of 2 employees and a complete reorganization of the local authority. Claims for monetary damage against all responsible parties and their sureties are in course of prosecution.

List of cases encountered in low-rent housing program involving irregularities or illegalities—Continued

Locality	Year	Nature of case and action taken
Virginia:		
Alexandria	1952	Local authority attempted to award a construction contract to a local firm whose bid was approximately $62,000 in excess of the low bid. It was the contention of the local authority that the Virginia "right to work law" and the Taft-Hartley Act prohibited it from awarding the contract to the low bidder. This question was resolved in the negative by court decision. PHA required the local authority to award the contract to the low bidder.
Newport News	1952	An official of the local authority sold automatic equipment to the local authority in violation of the PHA contract and the State law. The PHA has requested the local authority to require the offending official to reimburse project fund to the extent of his gross profit on this transaction, and to desist from such practices in the future.
Norfolk	1947	Disappearance of local authority funds in amount of $976.76. Reported to Department of Justice. Full reimbursement by insurance company. Employee of local authority forced to resign.
	1953	Improper expenditures by the local authority in an amount approximating $1,100. The PHA required the local authority to reimburse project funds to the extent of these expenditures.
	1954	Fraudulent inspection in connection with the development of a project. This is a new case. Action is being taken to process appropriate criminal remedy. Full recovery of monetary losses is anticipated.
Portsmouth	1954	Local authority official entered into subcontracts in connection with development of project in violation of PHA contract and State law. PHA required termination of all such subcontracts. The official resigned. Cases reported to Department of Justice May 4, 1954.
Puerto Rico: Caguas	1950	Shortage of $1,481.65 in accounts of local authority. Full reimbursement by insurance company ($1,000) and employee involved ($481.65). Employee prosecuted under local law.

STATEMENT BY SENATOR BYRD

As chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I wrote to Mr. Albert M. Cole, Housing and Home Finance Agency Administrator, on August 6, inquiring as to the FHA policy with respect to insuring new loans for builders who previously had exploited Federal housing programs for windfall profits.

Mr. Cole has replied under the date of September 24. Attached will be found:

(1) Mr. Cole's reply;

(2) The FHA statement of policy with respect to this subject; and

(3) My August 6, 1954, letter.

HOUSING AND HOME FINANCE AGENCY,
Washington, D. C., September 24, 1954.

Hon. HARRY F. BYRD,
Chairman, Joint Committee on Reduction of Nonessential Federal Expenditures, United States Senate, Washington, D. C.

DEAR SENATOR BYRD: This is in further reply to your letter of August 6, 1954, referring to a news story in the Washington Post and Times Herald of August 1, 1954, and requesting information with respect to current FHA policies and related matters.

With regard to your first inquiry concerning current FHA policy, I have been advised by Norman P. Mason, Commissioner, FHA, that the statement in the Washington Post and Times Herald was not an accurate presentation of current FHA policy in that it omitted the procedural safeguards which Commissioner Mason has established to assure proper utilization of insured mortgage programs. Commissioner Mason has directed all field directors to notify FHA Washington headquarters before processing applications for mortgage insurance from persons listed as principals in the press release of June 11, 1954, concerning 70 section 608 developments in which FHA-insured mortgage loans exceeded costs, resulting in windfalls. FHA Washington headquarters determines the eligibility of the applicants after reviewing HHFA investigated data and then notifies the field officer whether to continue processing the mortgage-insurance application.

The official FHA statements of policy in this matter are contained in a letter to the field directors dated June 22, 1954, and in a press release dated July 28, 1954. I am enclosing a copy of each herewith.

On July 28, 1954, it was announced that future applications of the Shelby Construction Co. would be processed by FHA field offices. However, in this press release Commissioner Mason also indicated that this action did not preclude reopening the case if further information was developed. Subsequently the above decision to permit the processing of Shelby Construction Co. applications was reconsidered and reversed on the basis of additional information obtained, and on August 5, 1954, FHA field offices discontinued processing applications of this company.

With regard to your second inquiry, concerning the definition of "sharp practices," I have been advised by Commissioner Mason that "the distinction between windfalls and 'sharp practices' could be expressed as the difference between windfalls obtained with the knowledge of FHA officials and under the lax administrative procedures of the time as opposed to windfalls obtained through unethical practices and without compliance with FHA procedures."

With regard to your third inquiry, concerning referral to the Department of Justice of certain Shelby Construction Co. developments, the several cases you mentioned have been and are under discussion with the Department of Justice for the purpose of determining the civil or criminal actions applicable to these cases. Foreclosure proceedings have already been instituted in the case of the Parkchester Apartment development. Also under consideration is a method whereby FHA, as preferred stockholder, takes control of the various projects on the theory that certain irregularities in connection with mortgaging out are defaults within the meaning of the provisions of the corporate charter. The several developments about which you inquired generally involved the same principals. Claiborne Towers, Inc., and Governor Claiborne Apartments, Inc., are in effect a single building, but were constructed by the Shelby Construction Co. as two separate projects. The Parkchester Apartment development consists of 11 projects constructed by the Shelby Construction Co. The Claiborne and Parkchester projects were subsidiary corporations of the Shelby Construction Co. Little Street Homes, Inc., and Emile Homes, Inc., are individual projects in the Roselawn development which consists of eight projects. This development was acquired by the Shelby Construction Co. in 1953. Paul Kapelow, Lewis Leader, and Emile Bluestein are officers of the Shelby Construction Co., and were also principals in other capacities in the various projects.

With regard to your fourth inquiry, concerning Department of Justice reports received on the above cases, no formal action has been completed by the Department of Justice on any of the above cases, and consequently there have been no Department of Justice reports.

With regard to your fifth inquiry, concerning various aspects of mortgaging out in the above cases, I submit the following:

(a) At the Claiborne, Parkchester, and Roselawn projects the building contractor, in each case an affiliate, was apparently paid the entire amount of the loan, which exceeded the actual cost of construction. The exact cost of construction is not clear, but the total amount paid to the builders in excess of costs is at least several million dollars.

(b) None of these projects declared dividends.

(c) At the Roselawn projects, stock was redeemed for $81,600. The cash paid in for these stocks was reportedly $28,100.

(d) The records indicate that there may have been excessive management fees at the Parkchester projects.

(e) Other than the excessive profit on construction made by the builder described in (a) above, the records do not indicate excessive payments for services.

(f) Loans were made to affiliated corporations by the Roselawn projects.

(g) Rentals in excess of $500,000 were collected at the Claiborne projects prior to payments of the loan.

(h) There were no long-term land leases at these projects.

(i) At all of these projects there were multiple affiliated corporations with the same owners.

(j) The records do not establish collusion, but at the Parkchester development an obviously unrealistic FHA estimate of replacement cost is not explained or accounted for.

With regard to your sixth inquiry, requesting a list of all projects which have made windfalls from any loan insured, guaranteed or made by any Federal agency, I am also enclosing herewith a list of additional section 608 FHA-insured mortgage-loan projects, compiled since June 4, 1954, in which there were windfalls. I am not in a position to advise you on windfalls made from loans insured by Federal agencies not affiliated with HHFA.

All section 608 projects in which windfalls were involved are being considered, in close collaboration with the Department of Justice, for the institution of appropriate civil and criminal proceedings.

The major civil action contemplated is along the lines started against Linwood Park, Inc., Fort Lee, N. J. In that case FHA, as preferred stockholder, has started actions to gain control of the 13 Linwood Park corporations, for the ultimate purpose of recovering the windfalls. Enclosed are copies of HHFA press releases No. 703, dated August 29, 1954, and No. 706, dated September 11, 1954, which describe further the steps already taken in the Linwood Park case.

The statute of limitations bars criminal actions in most section 608 cases, and in a number of instances former FHA personnel officially took the position that they were not misled by the false statements or other fraudulent acts of section 608 promoters. As a result, criminal prosecution is difficult and often impracticable. However, despite these difficulties, three section 608 cases have been referred to the Department of Justice for criminal proceedings.

With regard to your seventh inquiry, I am having compiled the list you requested of all companies for which FHA has approved applications for loan insurance since April

12, 1954. As soon as FHA has assembled the data, I will forward the list to you.

I am happy to be of assistance to you in this matter.

Sincerely yours,

ALBERT M. COLE,
Administrator.

FEDERAL HOUSING ADMINISTRATION, WASHINGTON, D. C.—PRESS RELEASE NO. 54–51, WEDNESDAY, JULY 28, 1954

"The objective of the Federal Housing Administration will continue to be to insure the greatest possible number of mortgage applications consistent with sound and ethical business practices," said FHA Commissioner Norman P. Mason today. Mason was replying to questions asked as a result of an FHA policy statement dated July 23, 1954, going to all FHA field offices.

This statement spelled out the policy by which applications for future loans may be granted to any of the corporations or individuals under investigation as making large windfall profits from "mortgaging out" under section 608 of the Housing Act. This consisted of obtaining a Government-insured mortgage in excess of the actual cost of the project and, upon completion of construction, pocketing the difference. In some instances it has been alleged that unethical, if not illegal, means were taken to bring about these windfall profits. "There is no doubt in our minds," said Mason, "that the great bulk of the American building industry operates with complete integrity. A few bad apples got into the barrel, and every effort has been, and will continue to be, made to stop their abuse of Federal facilities which are designed to stimulate the third largest industry in the United States in its efforts to house the American people. To this end, applications of individuals and corporations now under investigation will be examined both in the field offices and in Washington. Upon their individual merits those who are not involved in sharp practices will, within the discretion of the FHA, be encouraged to add the fruits of their professional efforts to the inventory of American housing. Those cases receiving negative decisions will be given a full opportunity to present any such further evidence which bears upon the case."

The policy statement to the FHA field offices follows:

"POLICY STATEMENT ON HANDLING OF APPLICATIONS TO THE FEDERAL HOUSING ADMINISTRATION BY SPONSORS APPEARING ON THE JUNE 11, 1954, LIST

"The Federal Housing Administration has a responsibility to make certain that the firms with which it does business faithfully observe the requirements of law and commonly accepted standards of business integrity. It has an equal responsibility to conduct its dealings with builders and lenders in a completely fair and equitable manner.

"At the present time a number of individuals and firms which sponsored 608 projects and whose activities in connection therewith are currently under investigation have pending applications to the Federal Housing Administration with respect to new housing projects. In order to make certain that the Federal Housing Administration is properly discharging its responsibilities, Acting Commissioner Norman P. Mason has issued instructions that on pending applications of the type thus described, the names of such firms and persons are to be referred to Washington before final decision is made on whether a commitment to insure should be issued. In connection with such cases the following procedure will be followed:

"1. The Federal Housing Commissioner will review the information so far developed in the course of the investigation and determine the acceptability of the proposed mortgage-insurance risk.

"2. Due consideration will be given to additional risks which are presented and which, by the exercise of sound discretion and prudence, the FHA should not assume.

"3. In cases where the FHA Commissioner determines that he cannot prudently and in the public interest approve such applications, the persons and firms affected will be given the opportunity to present evidence bearing on the questions involved."

AUGUST 6, 1954.

Hon. ALBERT M. COLE,
Administrator, Housing and Home Finance Agency, Washington, D. C.

MY DEAR MR. COLE: The Washington Post and Times Herald of Sunday, August 1, 1954 (p. 3–R) quotes Mr. Norman B. Mason, Federal Housing Administrator, as saying:

1. The Government will not blackball all companies which made windfall profits on federally insured mortgages.

2. Some companies will be permitted to build new public housing projects if they were not involved in sharp practices.

3. The Shelby Construction Co., Inc., New Orleans, is the first company to benefit from the policy.

4. FHA field offices have been ordered to resume the processing of this company's applications to build projects in Louisville, Kansas City, Cincinnati, Columbus, Indianapolis, New Orleans, Shreveport, and Philadelphia.

5. The Shelby Co. was listed last month as having made a windfall profit of $1,273,500 on the Claiborne Towers project at New Orleans.

6. Three officers of the company—Emile Blustein, Lewis Leader, and Paul Kapalow—also were listed as having made a windfall of $3,477,000 on the construction of the Parkchester Apartment development at New Orleans.

Your attention is invited to the Housing and Home Finance Agency's statement of June 11, 1954 (HHFA–OA–No. 675) releasing an interim report on the investigation of section 608 FHA-insured mortgages on rental housing developments, from William F. McKenna, Deputy HHFA Administrator, in charge of the investigation into FHA.

This statement, in part, said:

1. The report contained names and amounts of over 200 corporations involving about seventy 608 developments in which FHA-insured mortgage loans exceeded costs, resulting in windfalls to sponsors of approximately $40 million.

2. All cases have been or are being referred to the Department of Justice for such civil or criminal proceeding as may be indicated by the circumstances in each case.

3. Many, if not most, of these cases involved other substantial windfalls not reflected in the $40 million total.

4. The HHFA investigation disclosed various methods whereby other monetary gains were obtained by owners over and above authorized earnings from actual project investments, including "padding of cost figures by using excessive prices for the cost of construction and for the purchase of land."

5. Various devices were also used for the distribution of windfalls, including "the declaration of 'dividends' out of mortgage proceeds," and redemption of stock at inflated prices, exorbitant management fees, excessive payments for services to corporations owned by the sponsors, and loans by the corporations to their principals which will be paid when and if the principals who dominate the corporation decide."

6. The $40 million windfall figure did not include rents collected before first payments on FHA-insured loans, long-term land leases between sponsors and principal stockholders as individuals, or use of multiple corporations with the same owners.

7. Certain promoters were aided and guided by former top FHA officials in windfall practices.

As chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, and acting under authority of section 601 of the Revenue Act of 1941, I am requesting at your earliest convenience the following information with respect to current FHA policies and related matters:

1. A statement as to whether the article in the Washington Post and Times Herald of August 1 (p. 3–R), accurately reported the current FHA policy, and if so a copy of any official promulgation of such policy would be appreciated.

2. A statement of FHA's distinction between any kind of a windfall made by a company under an FHA-insured construction loan and "sharp practices," if it makes such a distinction.

3. A statement as to whether, in accordance with the HHFA release of June 11 (HHFA–OA–No. 675), the cases of any or all of the following have been "referred to the Department of Justice for such civil or criminal action as may be indicated by the circumstances in each case"; Claiborne Towers, Inc., Governor Claiborne Apartments, Inc., Parkchester Apartment development, Little Street Homes, Inc., Emile Homes, Inc., Shelby Construction Co., Paul Kapelow, Lewis Leader, Emile Bluestein.

4. A statement summarizing Department of Justice reports received to date by FHA on any or all of the above cases.

5. A statement as to whether any or all of the above corporations, companies, developments, or their officers, have been connected with any project, for which loans have been insured by FHA, where:

(a) Cost figures were padded by using excessive prices for cost of construction and purchase of land;

(b) Dividends were declared out of mortgage proceeds;

(c) Stock was redeemed at inflated prices;

(d) There were exhorbitant management fees;

(e) There were excessive payments for services to corporations owned by the sponsors;

(f) Loans were made by the corporations to their principals to be paid when and if the principals who dominate the corporation decide;

(g) Rents were collected before first payments on FHA-insured loans were made;

(h) There were long-term land leases between sponsors and principal stockholders as individuals;

(i) Multiple corporations with the same owners were used; or

(j) Promoters were aided and guided by former top FHA officials in windfall practices.

6. A list of all corporations, companies, developments, and their officers found by HHFA, or any other official investigation reported to you, to have made windfalls from any loan insured, guaranteed or made by any Federal agency, along with:

(a) A statement in each case as to whether it has been referred to the Department of Justice for such civil or criminal proceedings as may be indicated; and

(b) A statement summarizing any Department of Justice report on each case.

7. A list of all corporations, companies, developments, and their officers, for which FHA, since April 12, 1954, has approved applications for loan insurance, indicating the amount of insurance involved and giving for each the information requested in question No. 5 and its subquestions 5 (a) through 5 (j).

Very truly yours,

HARRY F. BYRD,
Chairman.

NOVEMBER 1, 1954.

Hon. ALBERT M. COLE,
Administrator, Housing and Home Finance Agency, Washington, D. C.

MY DEAR MR. COLE: As chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, and acting under authority of section 601 of the Revenue Act of 1941, I am requesting at your earliest convenience the following information with respect to the so-called college housing program under the Housing and Home Finance Agency:

1. Total funds authorized to date, indicating amounts authorized for direct loans, insured loans, guaranteed loans, grants, etc., and appropriations for administrative expenses, etc., with citations to authority.

2. Limitations on loans, grants, etc., such as percentage of cost, value, etc., if any.

3. Complete list of institutions which have applied for funds showing:

(a) Name of institution.

(b) Its location.

(c) Whether it is State, city, private or other.

(d) Amount applied for in each application.

(e) Status of each application, with reasons for any rejected.

(f) Interest rate on each loan granted.

(g) Duration of each loan granted.

(h) Amount of interest paid on each loan, and amount of principal repaid.

4. State of HHFA prerequisites for granting loans, such as legal authorization and approval by State and city authorities for State and city institutions, etc.

5. Statement as to whether projects constructed with loans under this program may be in conjunction with assistance under one or more other programs under general jurisdiction of the HHFA. For example, can college housing projects be erected in a slum clearance area; in combination with any other housing program? If so, indicate possible combinations, and list all actual combination projects approved to date, and all other applications involving combination of programs.

6. A statement as to whether it is possible to "mortgage out" or borrow in excess of cost under this program; and if so what precautions HHFA has taken against these practices.

7. A statement as to whether HHFA controls to any degree the rentals or fees charged for occupancy or otherwise of these projects.

8. A list (identified) of any projects in this program which have defaulted.

9. A list of all irregularities, or illegalities, found to date in this program, if any, and actions taken in each case.

10. A statement as to whether this program is being emphasized at this time more than in the past, and if so the means of promotion.

Very truly yours,

HARRY F. BYRD,
Chairman.

NOVEMBER 1, 1954.

Hon. ALBERT M. COLE,
Administrator, Housing and Home Finance Agency, Washington, D. C.

MY DEAR MR. COLE: There have been numerous references in the press and elsewhere relative to dismissals of personnel from constituent agencies of the Housing and Home Finance Agency following recent investigations and other inquiries involving them.

For purposes of accuracy, authenticity, fairness, and completeness in the Joint Committee on Reduction of Nonessential Federal Expenditures report to the President and Congress, under authority of section 601 of the Revenue Act of 1941, it will be appreciated if you will supply the committee with:

1. A list of all persons in HHFA and its constituent agencies who have been dismissed, or subjected to other administrative action since April 1, 1954, as a result of investigations or related inquiries showing:

(a) Name.

(b) Title or position.

(c) Agency.

(d) Office location.

(e) Charge, cause, or reason.

(f) Action.

(g) Any further disposition taken or contemplated.

2. A documented list of all other administrative actions taken since April 1, 1954, by the HHFA Administrator, and heads of constituent agencies in connection with, or as a result of investigations or related inquiries.

Very truly yours,

HARRY F. BYRD,
Chairman.

STATEMENT BY SENATOR BYRD

I am pleased to see that Mr. Albert M. Cole, Administrator, Housing and Home Finance Agency, has found legal grounds for recovery on FHA windfalls which have constituted the most scandalous exploitation of Government credit for private profit in recent history.

I urged Mr. Cole nearly 6 months ago to take decisive action in this respect. I hope the action he has taken is decisive and I urge him to press for recovery to the fullest extent of the law.

His estimate of 2,000 windfall cases—nearly half of the 608 loans investigated to date—would indicate possible recovery running into hundreds of millions of dollars. The 608 program was only 1 of 14 FHA programs.

In my first conversation with Mr. Cole about these cases, he said he did not at that time know of legal grounds on which he could proceed. But in reply to a subsequent inquiry, he said in part:

"FHA does not appear to have been generally vigilant in exercising the right accorded it as a preferred stockholder under the (housing) act or regulations and the charter provisions of the mortgagor corporations. In addition FHA appears generally to have been indifferent to the disclosures of substance in financial reports received."

Mr. Cole now is quoted as saying that the first step toward recovering unearned profits in federally insured housing loans is to call meetings of preferred stockholders for the purpose of removing present directors of the corporations and electing new ones with the FHA exercising its rights as a preferred stockholder.

I trust Mr. Cole will continue his efforts to bring justice to the Government, the individuals who have been victimized through high rents and housing prices, and to those employed by FHA who were responsible for allowing the unconscionable windfall practices to grow up within a Federal program involving billions of dollars insured by the Federal Government. There should be no favor shown anyone in these cases, no matter how highly they may be placed or what the nature of their participation may be.

PROGRAM FOR THE SENATE

Mr. KNOWLAND. Mr. President, for the information of the Senate, let me state that, as previously announced, it is the hope of both the majority leader and the minority leader that we may have daily sessions of the Senate beginning at 10 a. m. and continuing to approximately 5:30 p. m.—although, of course, that will be subject to the discretion of the Senate, and will depend upon the circumstances which may develop as we move along with the debate.

The other day I suggested to the distinguished minority leader—and he has had an opportunity to discuss it, and to talk to me again this morning; and I understand that he concurs in the suggestion—that because of the importance of having as large an attendance of Senators as possible at all times on the floor of the Senate when we enter upon the debate, we might do what, for the Senate, would be somewhat unprecedented, namely, to hold sessions from 10 a. m. to 12:30 p. m., for instance, and then to take a recess for 45 minutes, in order that all Senators might have lunch at that time, so that while at lunch they would not be interrupted by having to answer quorum calls, and, also, so that perhaps half the membership of the Senate would not be absent from the Chamber during a presentation of importance to this body.

Of course, it is entirely for the Senate to determine, according to its discretion, what it desires to do. The procedure I have just suggested is not our normal one, and under normal circumstances I would not necessarily recommend it. But in view of the particular type of problem now before the Senate, and inasmuch as a Member of this body is involved, I believe that, as a matter of fairness and equity, it would be far better for us to arrange for a reasonable lunch period, and then to have Senators return to the Chamber. So I would suggest a period of 45 minutes, rather than 1 hour; I believe that in view of the facilities available here, within that period of time we could have lunch and return to the Chamber. The exact time for taking the recess could be subject to some flexibility. If a Senator had almost completed his remarks at 12:30, and could conclude within 5 minutes, the session might run past the appointed time. However, at approximately 12:30 a recess of 45 minutes could be taken. Senators would then return to the Chamber at 1:15 o'clock p. m. If that suggestion is agreeable, I shall submit it in the form of a unanimous-consent request. Of course, even at that point it is entirely within the control of the Senate as to whether or not it will follow the suggestion of the majority leader.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. We realize that it is not so much a problem for individual Members generally as it is for members of the select committee, and the distinguished chairman of that committee [Mr. WATKINS], as well as the junior Senator from Wisconsin and other Senators who may desire to speak on the question. Therefore, I should like to say to the majority leader and to the Senate what I have already said in private conversation. We concur in the suggestion of the majority leader. We think it would be the better part of wisdom to follow the course he has outlined, so that members of the committee, the junior Senator from Wisconsin [Mr. MCCARTHY], and any other Senators who feel that they should be present all the time—and we hope they will have an opportunity to be present all the time—may be enabled to obtain their lunch

without having to eat sandwiches at their desks.

Mr. KNOWLAND. Secondly, in regard to Veterans' Day, which was formerly known as Armistice Day, which occurs on Thursday, the 11th of November, I have consulted with the minority leader, and we have concluded that it might be well for the Senate to meet at 12 o'clock noon tomorrow instead of at 10 o'clock a. m. Of course, on each day the debate will be preceded by the usual morning hour, under the 2-minute limitation, and a quorum call. If the Senate were to meet at 12 o'clock noon tomorrow, Senators who desired to do so might attend the Veterans' Day ceremonies. Again, that arrangement is subject to the approval of the Senate.

When the time arrives this evening for adjournment or recess, it is my intention to move that the Senate reconvene at 12 o'clock noon tomorrow. After tomorrow we can return to the 10 o'clock schedule.

The question of Saturday sessions has also arisen. I have consulted with the minority leader on that subject. Originally I had thought that perhaps we might forgo Saturday sessions in order to permit Senators sufficient time to dispose of some of the work in their own offices. However, the minority leader has conducted a survey on that question. At the present time I concur in his judgment that, at least until we can see what progress we are making, we should proceed with Saturday sessions of the Senate. As has been stated heretofore, most Members of the Senate have not had an opportunity to rest since the conclusion of a very busy session. There has been a campaign in which a third or more of the membership of the Senate have been principals, and in which most other Members of the Senate have participated to a greater or lesser degree. Most Members of this body have had no respite from the heavy responsibilities of Senators.

There are those on the outside who believe that when a Senator returns to his own State he is on vacation. Every person who has ever served in this body, or who has any knowledge of the situation, knows that such is not the case. Actually the problems presented and the responsibilities of a Senator are as great at home as they are in Washington. So, rather than unnecessarily to prolong the session, we thought we should at least begin with Saturday sessions. Of course, as in all these matters, the decision rests in the hands of the Senate. My responsibility will be to make recommendations, which the Senate may or may not follow.

With this general explanatory statement, I should like Members to be giving some thought to the question. At approximately 12:30 p. m. today, and on succeeding days, allowing for some flexibility, I propose to move a recess for 45 minutes for a lunch period.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. McCARTHY. I should like to ask the indulgence of the Senator. Relying on the Senator's previous statement that there would be no Saturday sessions, I proceeded to accept an invitation from the Republican Women's Clubs of Wisconsin, to attend a testimonial dinner on Saturday night, at which I shall speak. The Senator from Arizona [Mr. GOLDWATER] is to be present. It would be a great hardship upon me if there were to be a session of the Senate next Saturday.

Mr. KNOWLAND. I will say to the Senator that in view of the uncertainties of the situation, it is perfectly agreeable, so far as the coming Saturday is concerned, not to have a Saturday session, but I hope Senators will hold themselves in readiness to meet on subsequent Saturdays, if it is the determination of the Senate to hold Saturday sessions.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. WELKER. I wish to express my appreciation to both the majority and minority leaders, who are my distinguished friends, for allowing time for a lunch period; but I do not know of any court in the world which allows only 45 minutes for lunch. In Idaho our sheepherders are allowed more than 45 minutes for lunch. Furthermore, it would require 45 minutes to eat a sandwich if it were prepared at home.

It has been argued that this is a judicial proceeding, highly technical in its nature, and that the verdict may be very serious one way or the other. I know of no court functioning in this land which holds sessions on Saturdays and at night and allows only 45 minutes for lunch. Both the prosecution and the defense must have time to prepare.

I urge upon my friends, the leaders of the Senate, that we be fair in this matter, and that both sides be given an opportunity to present their cases. I do not wish to delay this proceeding. I traveled nearly 3,000 miles to be present at this session. I did not know that we were to encounter unfair labor practices.

Mr. KNOWLAND. Mr. President, I will say to the distinguished Senator from Idaho that I realize that 45 minutes is not a very long time. I shall be glad to discuss the question with other Senators, as I know the minority leader will. The suggested period of 45 minutes, however, is 45 minutes more than is available under the practice of the Senate for many generations, during which time some very important legislation has been before this body. I do not refer, necessarily, to anything relating to this particular subject. However, it was legislation of great importance to the Nation and to the 160 million people of our country.

Let us proceed and see what can be accomplished. I am sure that neither the majority leader nor the minority leader wishes any Senator to suffer from indigestion for the want of 15 more minutes. However, I hope the arrangement suggested may prove to be convenient. Let us see what can be done.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. The Senator from Texas is not informed with respect to labor standards in Idaho, but in my State we do not consider a 40-hour week particularly oppressive.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. WELKER. Both distinguished leaders are my close personal friends. It has been stated that we are being allowed something we have not had heretofore. I have been a Member of this body for only 4 years. During that time, only rarely, if ever, do I recall beginning work on the floor of the Senate in important debate at the hour of 10 o'clock and working through until 5:30, with Saturday sessions. I am willing to argue the precedents on that subject. I do not believe that the leaders are offering us very much.

Mr. KNOWLAND. Mr. President, let me say to the Senator again that that question is entirely in the hands of the Senate. We are all interested in proceeding in a manner which will be equitable to all concerned. Actually, of course, the Senate does not begin work at precisely 10 o'clock. There is a quorum call, and there is the usual morning hour, which I understand Senators would like to continue. We finally get under way about half past 10. Therefore, I would suggest that we try to follow the course I have indicated. As we go along we can adjust the situation.

Mr. CHAVEZ. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I would be willing to go along with the majority leader and with the minority leader, if the minority leader has agreed to the suggestion. My office is not run under NRA rules with respect to hours of business. However, we are confronted with a situation. I refer to the fact that it takes at least 45 minutes to obtain a table in the Senators' dining room. By the time we get through with our administrative assistants we are lucky to get into the restaurant in 45 minutes after we leave the Chamber.

Mr. KNOWLAND. I shall be glad to discuss that situation with the chairman of the Committee on Rules and Administration and with the ranking member of the committee, and also with the Sergeant at Arms, to determine what can be done to facilitate the service in the restaurant under the situation confronting us.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Colorado. I thank the Senator for yielding. I have heard rumors about Senators planning to leave for Australia and for Paris and for other parts of the world on various tours. I am just wondering what is to be done about such unnecessary missions during this session as they pertain to the attendance of Senators.

Mr. KNOWLAND. I merely wish to say to the Senator from Colorado—and perhaps the minority leader will speak for himself on that point—I have advised Senators on this side of the aisle, both publicly and privately, that they

adjust their plans so that they may be on the floor during this session of the Senate.

As the able and distinguished Senator from Colorado knows, the majority leader has no absolute power to compel any Senator to be present. There are circumstances, such as illness or death in the family, or a particular commitment of far-reaching importance, which a Senator would have to weigh as against being present on the floor of the Senate. However, again publicly, on the floor of the Senate, I make a plea to Senators on this side of the aisle, and as majority leader I will pass the plea across the aisle—and I am sure there will be no resentment for my doing so, and perhaps the minority leader will make the same plea—that all Senators try to adjust their schedules so that they may be present on the floor of the Senate during this session.

I had a long-standing commitment—it was one I had made 6 months ago—to speak last night in Miami. I kept the appointment in Miami by leaving Washington yesterday at the close of the session. I returned to Washington by plane at 4 o'clock this morning, so that I could be here for the opening of today's session.

I certainly hope that Senators will not make any commitments which will keep them from attending the sessions of the Senate. When it was brought to my attention that Senators were expected to go on missions abroad, I personally advised the executive departments, that, in my opinion, as majority leader, the first obligation of a Senator was to be in the Senate during a session of the Senate, particularly during a session of this kind. Therefore I said that if a Senator nevertheless attended such a conference abroad, which would make it impossible for him to be in the Chamber, it would be without the approval of the majority leader, and in fact, would be over the objection of the majority leader.

Mr. JOHNSON of Colorado. Mr. President, that is what I wanted to hear the majority leader say.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the able minority leader.

Mr. JOHNSON of Texas. I concur in what the majority leader has said. On my return to Washington last Friday I met with the distinguished Senator from California. We agreed that although several conferences had been scheduled at which Members of the Senate were expected to be in attendance, the majority leader, on behalf of himself and the minority leader, would suggest to the Secretary of State and to the heads of other executive agencies the hope that they would understand the situation if a representative of the Senate did not attend such conferences.

I understand that some of the executive agencies are still making inquiries along that line. I hope the majority leader will again communicate with them and express to them our very deep feeling concerning the importance of every Member of the Senate being in attendance at this session.

Mr. KNOWLAND. I will say to the Senator from Texas that I have conveyed that information to the executive departments on several occasions and I shall repeat the statement. As my attention is brought to the matter from time to time, I hope that I may be able to speak jointly on the question for both sides of the aisle.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. WELKER. Could the Senator from California inform the Senate how many Senators are expected to go on junkets or missions throughout the world? I do not know what the purpose of the junkets or missions is, or who ordered Senators to go on them. Would the majority leader advise the Senate on that point?

Mr. KNOWLAND. I have made a check on this side of the aisle, and perhaps the minority leader has also made a check on his side of the aisle. First, when I heard that a number of trips were contemplated, I contacted the departments concerned and strongly recommended that they make other arrangements, so that Senators would not be absent from the country. Secondly, where I had individually heard that Senators planned trips or had planned to be out of the city, I personally spoke to them about it. I know that as a result a number of Senators have canceled their trips.

I am having a re-check made of the entire membership on this side of the aisle, in order to determine how many Senators, if any, contemplate being away from the sessions of the Senate for any considerable period of time, barring, of course, illness or death, or being away when votes are taken.

Mr. WELKER. Mr. President, will the Senator yield further?

Mr. KNOWLAND. I yield.

Mr. WELKER. I ask the distinguished majority leader whether he knows who ordered these junkets.

Mr. KNOWLAND. So far as I know, no one has ordered them. I understand that some conferences of an international character will be held. They will be held in any event, regardless of whether Senators attend them. Pursuant to policies which have been historically followed, and in many instances depending on the subject matter to be discussed, either Members of the House or Members of the Senate, or Members of both Houses, have been invited to attend certain conferences. In many instances, such invitations were issued before the special session was called, and the agencies had discussed with the chairman of a committee or the ranking member of it the possibility of some Members of the Senate accompanying a delegation to the meetings. I have made strong recommendations to the White House and to the State Department and to other agencies involved, urging that they send substitutes for Senators, so that Members of this body will not have to leave the city.

Mr. WELKER. Rumors have been prevalent all over the country that certain executive agencies have asked that Members of this jury be sent to the hinterlands all over the world while this important case is being tried in the Senate. As one Senator, I strongly object to any such procedure. All of us have known for many months that this session would be held. If any agency orders any Senator to be anywhere but in the Senate, or if an agency undertakes to afford a Senator an opportunity to be out of the country during this time, it is something that should not be tolerated.

Mr. KNOWLAND. I will say, Mr. President, that I can give the Senator categorical assurance that no Senator has been ordered out of the country, and that no Senator would be subject to being ordered out of the country. If any Senator should subordinate himself to the executive department to that extent, I would be very much surprised, because if a Senator were to submit himself to such an order he would not be carrying out the constitutional concept that Congress is a coequal branch of the Government of the United States.

Therefore, I will say that no Senator is under any orders. Each Senator is requested officially and unofficially by the majority leader and the minority leader of the Senate that he not go on such missions and that he be present in the Senate. Of course, on the other hand, I cannot hogtie or chain to his desk any Senator of the United States.

Mr. WELKER. Mr. President, will the Senator yield for one more observation?

Mr. KNOWLAND. I yield.

Mr. WELKER. Perhaps I was wrong in saying that a Senator had been ordered by the executive department. However, I know the Senator from California will agree with me, and that he knows it to be a fact, that Senators have been invited to go on certain junkets. If the majority leader does not know it to be a fact, I shall be glad to produce the proof.

Mr. KNOWLAND. I will say to the Senator that the question of whether such assignments come under the term "junkets" I am not prepared to debate at this time.

Second, I know that it is not unusual, and I think there is merit under some circumstances, and particularly during congressional recesses, for the point of view of the Congress at least to be presented. But this is not that type of a situation. I want to emphasize as strongly as I can the fact that I have, both to the President of the United States, to the White House staff, to the State Department, and to other agencies of the Government, made a personal plea and have stated that if any Senators went out of the country it was over my objection, that I did not believe they should go, and that I thought they should be discouraged from going.

Mr. President, having had prior consultation with the minority leader, I had knowledge of the fact that his point of view in that regard was precisely the same as my own.

Mr. WELKER. I thank the distinguished majority leader for his statement.

RESOLUTION OF CENSURE

Mr. KNOWLAND. Mr. President, I should like to have the attention of both the Senator from Utah [Mr. WATKINS] and the Senator from Wisconsin [Mr.

McCARTHY]. In order to have the pending business properly before the Senate, I am about to move that the Senate now proceed to the consideration of Calendar No. 2540, Senate Resolution 301, to censure the Senator from Wisconsin [Mr. McCARTHY], which will merely place it before the Senate for consideration and for debate. Of course, the matter is entirely in the hands of the Senate as to whether the resolution be amended as the committee suggests, whether it be amended as other Senators may request, whether a motion be made to lay the resolution on the table, or whatever action may be taken.

Mr. McCARTHY. Mr. President, I have no objection to that procedure.

Mr. KNOWLAND. Is that procedure agreeable to the Senator from Utah?

Mr. WATKINS. It is agreeable.

Mr. KNOWLAND. Mr. President, I now move that the Senate proceed to the consideration of Calendar No. 2540, Senate Resolution 301, to censure the Senator from Wisconsin [Mr. McCARTHY].

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The clerk will state the resolution.

The LEGISLATIVE CLERK. Calendar No. 2540, a resolution (S. Res. 301) to censure the Senator from Wisconsin [Mr. McCARTHY].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND].

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 301) which had been reported by the Select Committee To Study Censure Charges, with amendments, so as to make the resolution read:

Resolved, That the Senator from Wisconsin [Mr. McCARTHY] failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a Senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin [Mr. McCARTHY] in failing to cooperate with a Senate committee in clearing up matters affecting the honor of the Senate is contrary to senatorial traditions and is hereby condemned.

SEC. 2. The Senator from Wisconsin [Mr. McCARTHY] in conducting a senatorial inquiry intemperately abused, and released executive hearings in which he denounced, a witness representing the executive branch of the Government, Gen. Ralph W. Zwicker, an officer of the United States Army, for refusing to criticize his superior officers and for respecting official orders and executive directives, thereby tending to destroy the good faith which must be maintained between the executive and legislative branches in our system of government; and the Senate disavows the denunciation of General Zwicker by Senator McCARTHY as chairman of a Senate subcommittee and censures him for that action.

Mr. WATKINS. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. WATKINS. Mr. President, in beginning my discussion I should like to request the indulgence of the Senate to the extent that I may not be interrupted during the course of the delivery of my main statement. I am under some physical limitations, and for that reason I should like to deliver what I have prepared without interruption.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WATKINS. I shall attempt at the close of my statement to answer any questions which may be propounded as long as I can stand here.

Mr. President, on Monday the select committee, appointed pursuant to order on Senate Resolution 301, filed with the Secretary of the Senate its report, and yesterday the resolution with amendments was reported.

Incidental to the report, I, as chairman of the committee, now desire to comment on certain aspects of the matters committed to us by the Senate and to make certain comments about the problems involved. I shall try to do this as briefly and concisely as possible, having in mind that all Senators have now had an opportunity to familiarize themselves with the report, and, I sincerely hope, the hearings upon which it is based.

Before proceeding further I desire to take this opportunity to pay tribute to my associates on the committee and to members of the committee staff for their services in this important assignment. It has been said, and it deserves repeating, that none of them sought, nor did I, the appointment with which the Vice President honored us. However, I assure the Senate that everyone of us accepted the responsibility with the sincere determination to bring to it whatever wisdom, calmness, fairness, courage, and devotion they, or shall I say we, might muster for so challenging and important a task.

Now that the report is officially before the Senate, our colleagues will have the opportunity to judge with what degree of success the committee, so motivated, accomplished its mission.

The committee claims no infinite wisdom. All human individual judgments are, at best, fallible. We, therefore, make no pretense that our collective decision is infallible.

Of this, however, you may be assured: We brought to the problem no preconceived opinions as to how it should be attacked, nor to what conclusions our investigations would lead us.

Furthermore, the entire committee action was the product of cooperative effort, and for that my colleagues deserve the highest credit and respect.

The resolution, together with the proposed amendments which were referred to us, contain some 46 alleged incidents of misconduct on the part of Senator McCARTHY. These matters were involved and complex, both in respect to the matters of fact and law.

With reference to the time element, the incidents were alleged to have happened within a period covering several years. In addition, three Senate committees already had held hearings on one or more of the alleged incidents of misconduct.

With all this in mind, the committee had good reason for considering that it faced an unprecedented situation which would require adoption of procedures—all within the authority granted it in the Senate order—that would enable it to perform the duties assigned within the limited time allotted by the Senate.

Since the procedure mapped out and adopted by the committee was designed to meet the peculiar situation created by Senate Resolution 301 and amendments, it should be helpful to the Senate to have a brief outline of that procedure. Such an explanation will aid the Senate in better understanding the report which the committee has filed.

The committee proceeded, first of all, to analyze the charges set forth in the amendments. It proceeded to eliminate duplicating charges wherever possible. Then consideration was given to those charges which were of such a nature that, even if the allegations were found to be factually true, yet there would be strong reason for believing that they did not constitute grounds for censure. Such a test was applied and certain of the charges were eliminated.

In part VI of our report will be found a list of all the charges which were eliminated for one reason or another in accordance with the procedure adopted. Reasons for the elimination of each charge are given.

When the charges had been screened, a residue of 13 charges in 5 categories was left. These charges, the committee felt, deserved further investigation, followed by public hearings.

Investigators then were directed to search for all the relevant, material, and competent evidence which could be found bearing upon these charges. Again, let it be repeated that all evidence was sought, whether it would prove or disprove the charges. I mean, of course, relevant, material, and competent evidence.

The search for evidence included a hunt for witnesses who had first-hand information and also for documentary evidence of every kind and description which could meet the test on materiality, relevancy, and competency. The committee also felt that it was entitled to consider, so far as material and relevant, the official proceedings and pertinent action of the Senate and any of its committees and subcommittees, taking judicial or legislative notice thereof and using official reprints when convenient.

Following the search for evidence, the committee decided upon public hearings. The hearings were for the purpose of placing on record all relevant, material, and competent evidence for the use of the Senate in considering Senate Resolution 301. Hearings were also held for the purpose of permitting Senator McCARTHY to appear and offer for the record and the later use of the Senate all competent, relevant, and material evidence in his defense and also to present all matters of law which would substantiate his position.

In order to screen the evidence, which would be perpetuated and made available to the Senate, the committee adopted, so far as applicable to this kind of a pro-

ceeding, the rules of evidence used in courts of law in this country. The committee also adopted rules which would make possible a quasi-judicial hearing.

I say "quasi-judicial" because this particular type of hearing was not exactly a completely judicial hearing, as it is known in the courts, for the simple reason that the committee was under the responsibility of sending out its investigators to get the evidence first hand and to bring it before the committee. However, the committee adopted the rules of evidence used in the courts in order to screen the evidence which was brought in or which was presented by the junior Senator from Wisconsin [Mr. McCARTHY], so that the committee would have before it evidence which it felt could be justifiably presented to the Senate for its consideration.

With respect to the physical conditions surrounding the hearings, the committee ordered that the same conditions should prevail in the committee hearings as prevail in the Senate.

The reference of Resolution 301, and amendments, to the select committee was interpreted by the committee to mean that from the time of reference the resolution and the charges incorporated in its amendments became the sole responsibility of the Senate. This interpretation meant, then, that the Senator or Senators who offered Resolution 301, and proposed amendments thereto, had no legal responsibility from that point on for the conduct of the investigations and hearings authorized by the order of the Senate.

The hearings, then, were not to be adversary in character. There were to be no plaintiffs or defendant as found in the average lawsuit in a court of law. It seems necessary to repeat this interpretation because there appears to be a widespread misunderstanding that the Senator who introduced the resolution of censure into the Senate, and the Senators who offered amendments thereto, setting up specific charges against the junior Senator from Wisconsin, were the complaining witnesses or the parties plaintiff in this proceeding. That is not the case, as I have already explained.

However, because of the fact that the three sponsoring Senators had made some study of the charges, the committee decided that it would give them an opportunity to submit informational documentation of the charges they had preferred. Also, they were asked to submit the names of any witnesses, including themselves, who might have first-hand knowledge of the matters charged and who could give relevant, material, and competent testimony in the hearings.

But no evidence was received from any of them and considered by this committee which was not offered and received at the public hearings. Each of the Senators preferring charges stated that he did not have any evidence to which he could give first-hand testimony.

It also should be pointed out that Senator McCARTHY was given the right to examine and cross-examine witnesses either through an attorney or by himself, but not by both the Senator and his attorney for any given witness. Matters of law, objections to evidence, and matters of that nature were authorized under the same procedure.

Counsel for the committee were not permitted to make objections to the introduction of testimony or the asking of questions.

A preliminary examination of the area of inquiry, circumscribed for us only by the scope of the charges embraced in 46 proposed amendments, led us to agree that some 13 of these charges were of such a nature that they could not be ruled out of final consideration. We further agreed that these charges could be identified as falling generally into five categories of subject matter. To these categories and charges, then, we first directed the attention of our staff, giving heed to the fact that only 10 days separated us from the previously announced date of the opening of public hearings.

These 13 categories and charges were set forth for Senator McCARTHY and his attorney in a timely, written notice of hearing. In this notice, the committee prescribed as specifically as possible the method and spirit of the procedures which were to be followed, and were, by unanimous committee decision, to be enforced by the chairman.

Ten days were consumed in public hearings, terminating September 13.

We then directed our efforts to produce an adequate report, based upon the issues dealt with and evidence and arguments, oral and written, presented in the hearings.

We have tried, and we hope we have been successful, in transmitting to this body an adequate picture of the factual background of these proceedings. The facts, we believe, were developed publicly and under competent cross-examination, in an atmosphere reflecting the inherent dignity of the United States Senate, and under rules of evidence comporting as closely as possible under the peculiar circumstances I have already described, with the rules in effect in well-administered courts of law.

We hope this report will be found to speak sufficiently for itself. However, members of the committee feel a continuing responsibility, not so much to advocate or defend it, as to be prepared to answer any questions about it which they are capable of answering, that may occur to Senators. The committee will be present during these deliberations for that purpose.

The findings which are contained in this report are for the most part based upon uncontroverted evidence which led the committee to its unanimous conclusions.

The Senate as a body is now in a position to interpret that evidence and applicable law, and to decide to agree or disagree with the committee findings and conclusions or to make findings and conclusions of its own.

Our findings do not represent an adversary's brief; and the committee by no means assumes the position of a prosecutor. We are available to explain our report as best we can, or to answer questions concerning it, but we are not here to argue that our findings and conclusions must be followed.

Before concluding my introductory statement, I desire to outline generally the issues which are pointed up by the committee report and the issues which are excluded.

The committee report finds against Senator McCARTHY on the charges or incidents of contempt of the Senate or a senatorial committee listed and considered in category I which will be found in the front part of the report. These incidents are listed in four charges as follows:

1. That Senator McCARTHY refused repeated invitations to testify before the subcommittee.

2. That he declined to comply with a request by letter dated November 21, 1952, from the chairman of the subcommittee to appear to supply information concerning certain specific matters involving his activities as a Member of the Senate.

3. That he denounced the subcommittee and contemptuously refused to comply with its request.

4. That he has continued to show his contempt for the Senate by failing to explain in any manner the six charges contained in the Hennings-Hayden-Hendrickson report, which was filed in January 1953.

The committee also decided to consider and discuss in its report under this category the incident with reference to Senator HENDRICKSON since the conduct complained of is related directly to the fact that Senator HENDRICKSON was a member of the Subcommittee on Privileges and Elections. The specific charge is as follows:

5. That he ridiculed and defamed Senator HENDRICKSON, calling him: "A living miracle without brains or guts."

That is a part of category IV. There was another part which the committee ruled out. At least the committee made no recommendation for censure in the other part of that category.

On category I, which was a part of category IV, and the specification with reference to Senator HENDRICKSON, the committee after reviewing the evidence came to the following conclusions:

It is therefore the conclusion of the select committee that the conduct of the junior Senator from Wisconsin toward the Subcommittee on Privileges and Elections, toward its members, including the statement concerning Senator HENDRICKSON acting as a member of the subcommittee, and toward the Senate, was contemptuous, contumacious, and denunciatory, without reason or justification, and was obstructive to legislative processes. For this conduct, it is our recommendation that he be censured by the Senate.

The committee report finds against Senator McCARTHY on the charges contained in category V which are denominated "Incident relating to Ralph W. Zwicker, a general officer of the Army of the United States." The charges against the junior Senator from Wisconsin are those proposed by Senators FULBRIGHT, MORSE, and FLANDERS in the order named:

4. Without justification, the junior Senator from Wisconsin impugned the loyalty, patriotism, and character of Gen. Ralph W. Zwicker.

* * * * *

(c) As chairman of the committee, resorted to abusive conduct in his interrogation of Gen. Ralph Zwicker, including a

charge that General Zwicker was unfit to wear the uniform, during the appearance of General Zwicker as a witness before the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations on February 18, 1954;

* * * * *

10. He has attacked, defamed, and besmirched military heroes of the United States, either as witnesses before his committee or under the cloak of immunity of the Senate floor (General Zwicker, General Marshall).

These charges are somewhat duplicating, but we included all four of them in our category V.

On these charges the committee arrived at the following conclusion and recommendation:

The select committee concludes that the conduct of Senator McCARTHY toward General Zwicker was reprehensible, and that for this conduct he should be censured by the Senate.

These are the three categories on which the committee has found against Senator McCARTHY and on which recommendations for censure were made. All the others, as far as the committee was concerned, were excluded from consideration as charges on which censure might be based.

Hearings were held on all the charges contained in the five categories set forth in the report, and reasons were set forth why no censure recommendations were made with respect to categories II, III, and part of IV.

The part of category IV excluded was the one with reference to the Senator from Vermont [Mr. FLANDERS].

A reading of the report will reveal the reasons in detail for the action taken with respect to the remainder of the 46 charges.

In directing attention to the committee's action, the committee wants it understood that it is not by any means suggesting that the Senate may not consider any or all of the charges which are not listed, for which no recommendations for censure have been made; neither is it suggesting that the Senate is under any obligation to follow its recommendations of censure on categories I and V. What I am trying to emphasize is that the committee has made its investigation, held its hearings, and made its report. The members of the committee have come to conclusions on the issues presented, and they have made their recommendations in accordance with those conclusions. They believed that it would be only a matter of a very short time before they would be required to take a position on the various issues and the various charges. For that reason, and for whatever it may be worth to the Senate, they decided to make their position known now and to make recommendations, which, of course, the Senate is at liberty to follow or disregard, as it pleases.

Before I go to the concluding part of my statement, I should like to say now that a court, if one wants to call it that, or a jury, if one wants to designate it as such, is provided in the Constitution for the consideration of matters of the kind for which the Senate is now in session, and that is the Senate of the United States. The committee was only an arm, an agency, of the Senate, to gather together information, matters of fact, and matters of law, and bring them to the attention of the Senate. As we all know, it was impractical for the whole Senate to do that, or to have witnesses come and testify before the Senate itself.

The point was made during the debate on the original motion authorizing the selection of the committee that the entire proceeding, at least in the Senate, would be a judicial proceeding. The Senate is not actually a court of law, but with respect to its Members it is the only body in the world which can pass on certain matters defined in the Constitution with respect to conduct of its Members as Senators. It seems to me we should observe the spirit of the speeches made prior to the adoption of the motion referring the resolution to a committee, and that the Senate should proceed in a calm, deliberate manner. The Senate should consider the charges that have been passed on, or at least investigated, by the committee.

I wish to emphasize that the committee did not draw up any of these charges; it did not introduce them; the committee was merely carrying out the mandate of the United States Senate to make the investigation. The committee did make the investigation, and we made such investigation in accordance with the traditional work of similar committees in the past. As I pointed out, the recommendations of the committee are now before the Senate. The Senate may do as it pleases about them. We have no particular pride of authorship about them, but if there is any use to which any Member of the Senate may put our findings, we shall have been paid for bringing them before the Senate.

Mr. McCARTHY. Mr. President, will the Senator from Utah yield?

Mr. WATKINS. Mr. President, I announced at the beginning of my statement that I did not wish to yield before I completed my statement.

Mr. McCARTHY. May I ask if the Senator has completed his statement?

Mr. WATKINS. No; I have not completed my statement as yet.

In conclusion, I point out to the Members of the Senate that the report contains a general summary of the evidence, briefs on legal issues involved, detailed findings of fact, and specific conclusions and recommendations, which, in the opinion of those who have studied the report, make it easy to get a clear-cut statement of the issues together with the law applicable thereto.

We have tried to make the report as comprehensive as possible. We realize that, no matter how hard we might try, we would fail in certain respects; but we have gone at our task sincerely, with the purpose of bringing before the Senate matters that are competent, relevant, and material, so that the Senate may pass on a question of this kind. We have spread our conclusions and recommendations before Senators, the Members of this great body, who are the final judges, who are the jurors, who are the members of the court, so they can make an intelligent decision with respect to the charges and the defense which has been presented and which may be presented.

The evidence and findings have page references to the report of the hearings where the evidence can be reviewed in detail. The committee earnestly urges the Members of the Senate to read the report and review the evidence. Senators will then be in a position to make up their own minds on the issues involved.

I may say that no amount of oral discussion, in my opinion, will make up for the information that will be obtained from reading the report and the hearing record.

I expect the Members of the Senate will read matters of defense as well as matters presented by the committee, both the defense which was brought up before the committee and which will be brought up later, and all other matters relating to the subject which may come before the Senate.

The committee has tried to bring before the Senate all the evidence it could find, whether it hurt or helped the junior Senator from Wisconsin or those who made the charges. The members of the committee wanted to make the report as helpful as possible to the Senate. We considered that we were the kind of an agency that should do that. The matter is now in the hands of the Senate. As I have said, we are not prosecutors. We are willing to do the best we can to answer questions on a matter that covers a great number of pages in the hearings, on matters going back a number of years.

I hope Senators will take advantage of the presence of members of the committee and ask any questions they may have in mind.

Mr. McCARTHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. WATKINS. I yield for a question.

Mr. McCARTHY. Before I start to ask my questions, and I have a great number to ask, I should like to say that I heard the statement the Senator from Utah made about his not feeling too well this morning. If the Senator from Utah does not feel well enough to answer questions, when the time comes that he must leave the floor, I shall desist from asking them until a later time. Is that agreeable?

Mr. WATKINS. I feel that arrangement will be satisfactory. I am willing to go as far as I can. However, I have talked with members of the committee. It was thought advisable not to interrupt to ask the Senator from Wisconsin questions, but let him complete his statement. It was also thought it would be desirable to complete our statement for the committee, and that later on we would be in a position to ask and answer questions.

Because of the fact that we have only recently returned to Washington, I have not had an opportunity to scan this record again and to refresh my recollection or to go over it again with the members of the committee staff. So I thought that if the junior Senator from Wisconsin wanted to make his speech this morning,

perhaps he could go ahead with it, and we would not interfere with him or ask him questions about it; and then, later on, when he was prepared, we could ask questions.

Mr. McCARTHY. Yes. But I must ask the Senator questions before I can make my speech, as I must cover the full details. I must call the Senator's attention to the report, and if he does not have the document, I will hand it to him. Starting with the quotation on page 29. Does the Senator have it? On page 29, if the Senator will look on that page a little more than halfway down, he will find a paragraph reading as follows:

If Senator McCARTHY had any justification for such denunciation of the subcommittee—

Meaning denunciation of the Gillette subcommittee—

he should have presented it at these hearings. His failure so to do leaves his denunciation of officers of the Senate without any foundation in this record.

I am sure the Senator will agree I read that correctly.

In other words, the select committee finds that the junior Senator from Wisconsin should be censured because he did not justify his criticism of the Gillette subcommittee.

Now, if he will turn to page 295 of part I of the——

Mr. WATKINS. What is the question?

Mr. McCARTHY. The question is not finished yet.

If the Senator will turn to page 295 of part I of the hearings, he will find that Mr. Williams, who is sitting here as my attorney, was attempting to offer proof that the first public witness to be called by the Gillette subcommittee was a man known to the committee to be mentally deranged; that his evidence was uncorroborated, and was contradicted; that they issued a subpena for him; that before the subpena could be served, he was committed to a home for the mentally insane. We offered to present that, to show justification for criticizing the subcommittee.

I ask the Senator whether he had in his possession at that time the staff report? I know he did because he subpenaed it, and I have a list of the reports received from the Gillette subcommittee—the report, page 43 refers to this witness. First, it points out that what Mr. Byers said was uncorroborated, and was contradicted. Then I quote from page 43—if the Senator wants to follow me:

Byers, Sr., is known to have a bitter hatred of Senator McCARTHY, and is mentally unstable as a result of a stroke he suffered in February 1950.

I should like to ask the Senator whether, when he ruled out that testimony, he ruled out my opportunity to show that the Gillette subcommittee was calling a man whom it knew was mentally incompetent, and whose testimony was contradicted; and I ask the Senator whether he now feels, as he looks back at this, that he should have ruled differently, and should have allowed us to present this testimony; and if it had been presented, would not we then have been justified in criticizing that subcommittee, as I did criticize it vigorously, for attempting to call an insane man to smear me?

Luckily, as I say, a judge committed him before he could be called.

And that report was in the Senator's hands. I wonder whether he now realizes that he made a mistake when he said that no justification was offered—that he ruled out justification.

Mr. WATKINS. Is the question finished now?

Mr. McCARTHY. That question is finished now.

Mr. WATKINS. In the first place, I did not have in my physical possession a copy of the staff report. The quotation the Senator makes from the report, as I interpret it and as I understand it—and I shall read it again:

If Senator McCARTHY had any justification for such denunciation of the subcommittee, he should have presented it at these hearings.

That refers to the hearings of the subcommittee—the Gillette-Hayden subcommittee—and it does not refer to our own specific select committee.

The mere statement with respect to the sanity of any one witness did not go, as I construed the charges before us, to the charges we had before us.

Mr. McCARTHY. If the Senator——

Mr. WATKINS. Just a minute; let me answer.

Mr. McCARTHY. I am sorry.

Mr. WATKINS. We did not go into whether those charges were true or false; I refer to the charges before the Hennings-Hayden-Hendrickson subcommittee. We were only considering the Senator's attitude and his conduct with respect to that subcommittee, and the evidence, on any theory at all, was received merely to show that there were serious charges in that respect. That report was brought in and made a part of the record largely through the efforts of the Senator's own attorney and our acquiescence, and was brought for the purpose of showing the serious nature of the charges, and not in any way for the purpose of having us determine whether those charges were true or false. The gist or gravamen of the charges before us was the Senator's conduct with respect to that subcommittee. That is my answer.

Mr. McCARTHY. Do I correctly understand—and I think this will enlighten the Senate—that it was the Senator's position then, and is now his position, that I could not have shown improper conduct on the part of the Gillette subcommittee, to justify my criticism of it? In that connection, I point out that one of the letters the Senator has cited, and which his attorney put into the record, was a letter in which I criticized the Gillette subcommittee for attempting to call a man whom they knew to be insane. They had the staff report, particularly page 43. I tried to show that the Gillette subcommittee knew he was insane, and that, therefore, I was justified in criticizing them.

Do I understand the Senator's position now to be——

Mr. WATKINS. Let me answer.

Mr. McCARTHY. Let me finish my question. Do I understand the Senator's position now to be, that regardless of how grossly incompetent—and for the time being, I am not arguing whether they were or were not—but regardless of how grossly incompetent or dishonest that subcommittee might have been, I should be censured for criticizing the subcommittee? Is that the Senator's position?

Mr. WATKINS. No, that is not my position. I am simply saying that there were certain things before our committee; and the charges the Senator is making, to the effect that some person, allegedly insane, was permitted to testify before that committee, had nothing to do with the charges we were considering at the time.

There were other reasons, also, why one could not find a man insane and have it concluded that he was insane, by means of some committee staff report. I have been a judge, and I know what is necessary in order to have a man determined to be legally insane. In my State, witnesses would have to come before the court. The court over which I presided met many times to hear a witness or many witnesses, and then to determine the sanity of the individual in question. No investigator could make an affirmative finding of insanity and make it stick.

So that evidence I felt was incompetent for several reasons, and I have given the Senator the principal ones.

But we were not trying those matters, as set forth in the investigation, and the charges which were before the Gillette subcommittee. I shall refer to it as the Gillette committee for short, because it would take too long and be too big a mouthfull to use all the names. We were not trying those charges. We were only trying the charges made against the Senator, for his conduct before that subcommittee.

If we made an error—and I do not think we did; I think that if the ruling on the evidence were reviewed by an appellate court, we would be upheld—but if the Senator thinks that was a bad ruling, he is now before the Senate—we were only the investigative arm—and he can talk about it as long as he wishes.

Mr. McCARTHY. I should like to understand the Senator's position on this matter. This is especially important, in view of the fact that one of the Senators has evidenced publicly that if the committee had found that I should not be censured he would vote with the committee; but that if the committee found I should be censured he would vote with the committee for censure. For the enlightenment of that particular Senator—and I assume there are other Senators who had that idea—I should like to have the Senator from Utah tell us frankly whether it is his position that I should be censured for criticizing the Gillette subcommittee, regardless of how incompetent or how dishonest that committee might have been.

Is that the Senator's position—in other words, that a Member of the Senate cannot criticize the members of a committee, regardless of what they do? If that is his position, that is a new rule, one we never had before, and which I think we should consider very seriously.

Mr. WATKINS. It is my position that when a committee has been given a job to do by the Senate, any Senator who is under charges should cooperate with that committee. If the Senator had objections to the way they were doing the job, he should have gone before the committee and presented his objections; but he did not do that. Then he should have come back to the Senate, if he did not think they were doing the right thing, and ask that the committee be discharged or instructed to follow a certain line of procedure.

Mr. McCARTHY. Is it the Senator's position——

Mr. WATKINS. Just a moment. The Senator refused to do that, and the committee itself, under the charges he had made, came forward and presented to the Senate a resolution which tested their jurisdiction and their conduct. That was approved by a unanimous vote of the Senate that day. The Senator was present at that time. I and many other Senators voted for that resolution.

Mr. McCARTHY. The Senator is not speaking the facts as they are now.

Mr. WATKINS. I am giving the best answer I can. The Senator may not agree with it.

Mr. McCARTHY. Let us correct it then.

Mr. WATKINS. I will do the correcting of my own answers.

Mr. McCARTHY. I will correct the Senator when he makes a misstatement.

Mr. WATKINS. I yielded——

Mr. McCARTHY. The day——

Mr. WATKINS. Just a moment.

Mr. McCARTHY. Go ahead.

The PRESIDING OFFICER. The Senator from Utah has the floor. He has yielded for the purpose of a question.

Mr. WATKINS. I yielded to the junior Senator from Wisconsin for the purpose of asking questions, not correcting my answers.

Mr. McCARTHY. Is the Senator aware, then, of the fact that the day he says the Senate approved the activities of the Gillette committee I took the position that the Gillette committee should not be discharged, that it had been examining my activities for some 15, 16, or 17 months, and that there was pending before that committee the Benton resolution? Is the Senator aware of the fact that I asked the Senator from Iowa [Mr. GILLETTE] on the floor whether or not, if that committee were not discharged, he would investigate the Benton resolution, and that I said that the committee should not be discharged, that we were not approving their activities, and that there was nothing in the record to show that we were approving their activities—not that that is a matter at issue at this point, but I think we should keep the record clear as the Senator proceeds. Is the Senator aware of that?

Mr. WATKINS. I am aware of it. My answer is that the resolution was properly drafted and properly presented. It did test the jurisdiction, and the Senator, by taking the position that he would not vote against it, could not confer jurisdiction if the committee did not have it. The Senator could not make it an honest committee by what he did if it were not in fact an honest committee.

Mr. McCARTHY. I refer to page 296, volume 1, of the hearings, about two-thirds of the way down the page, starting with the word "but." The Senator from Utah was setting the rules by which we had to abide. He said:

> But I do not think whether an investigator was incompetent—
>
> Referring to the Gillette committee—
>
> whether he was insane or not insane has anything particularly to do with this particular investigation we are now conducting.

That was the ruling of the Senator at that time. Do I correctly understand that this was his position——

Mr. WATKINS. It was my position——

Mr. McCARTHY. Let me finish my question.

Mr. WATKINS. I insist on having them one at a time.

Mr. McCARTHY. I want to finish my question. Is it the Senator's position that even if we could prove that the Gillette committee was hiring insane investigators to investigate me, I should be censured for criticizing what they were doing? If that was the Senator's ruling, I wonder if he abides by it.

Mr. WATKINS. That was not my ruling. I stand on what I said. My point of view is simply that there was a committee charged with the responsibility of making certain investigations. That was the place for the Senator to have made his objections and arguments. We were not going into the merits of that particular question, except for the purpose of finding out whether the charges were serious or not, and whether or not the Senator had some responsibility to cooperate with that committee. We thought that he should have cooperated with that committee, and that he could not fulfill his oath to defend the Constitution by damning the committee from the very first day. In one of the first letters the Senator wrote he said he would not even read, let alone answer, one of the charges made before that committee. I was amazed when I really got into it.

Mr. McCARTHY. The Senator was amazed——

Mr. WATKINS. The Senator's conduct indicated very clearly that he was ignoring that committee completely. He was blasting it with letters. He was making denunciatory statements about it at the very time when, as I understand his oath of office as a Senator to uphold the Constitution, he should have been helping them. He refused to do so. His refusal is marked through those letters, one after another. He was a member at that time of the parent committee of which that was a subcommittee.

Mr. McCARTHY. Then the Senator's position——

Mr. WATKINS. I think I have made it pretty clear.

Mr. McCARTHY. Let us make it clear.

Mr. WATKINS. The Senator can state his position and I will state mine.

Mr. McCARTHY. The Senator's position is that we could not have presented any justification before his committee for my criticism of the Gillette committee. His position is that the Gillette committee having been in operation, that was the only thing he was concerned about.

Mr. WATKINS. We did permit the Senator to present criticism of that committee. He presented it. The evidence went in. The Senator's letters were all in criticism of the subcommittee. He made that criticism again on the stand. He reaffirmed all that he had said. He made it abundantly clear that he had not made any mistake, that he was 100 percent right and that the subcommittee was apparently 100 percent dishonest.

Mr. McCARTHY. Is the Senator aware, and was he aware, at the time he was holding the hearings, of the fact that the evidence before the Gillette committee was to the effect that the charges had been prepared in the headquarters of the Democratic National Committee?

Mr. WATKINS. That is what the Senator said.

Mr. McCARTHY. Is the Senator aware that that is in the evidence?

Mr. WATKINS. I am aware that the Senator made that statement, but he did not claim to know personally about that.

Mr. McCARTHY. Is the Senator aware of the fact that he himself received in evidence all the testimony taken before the Gillette committee, and that his subcommittee read it, and that that testimony—not testimony by me, but testimony by other witnesses—was to the effect that the charges which he said I should have answered were prepared at the headquarters of the Democratic National Committee? I am not asking about my testimony. I am asking if the Senator is aware of the fact that the evidence which he himself received, which he said he had read—and that statement is in the record; he said, "I have read all the evidence"—is the Senator aware that that evidence showed that the only charges pending before the Gillette subcommittee were charges prepared in the Democratic national headquarters; that there is sworn testimony to that effect—not my testimony—and that Benton himself admitted that to some extent? Is the Senator aware of that?

Mr. WATKINS. I am aware that we made the ruling that we would receive the record only for the purpose of showing that there were serious charges which the Senantor should have attempted to answer, and that he should have cooperated with that committee in clearing up the charges. Whether the charges were prepared in Democratic headquarters or in Senator HAYDEN'S office, or in someone else's office, did not concern us at the moment. We did not have time, even if we had the inclination, as a matter of curiosity, to follow up all those things.

Mr. McCARTHY. Will the Senator agree with me——

Mr. WATKINS. I am sure the Senator does not want to be bound by all that is in that record. If he is to take the position that he will be bound by all

the evidence presented before that committee, he is in for serious trouble, as I see it.

Mr. McCARTHY. The Senator will agree with me——

The PRESIDING OFFICER. The Senator will suspend. The Chair will inform occupants of the galleries that under the rules of the Senate no demonstrations are permitted.

Mr. McCARTHY. I ask the Senator—and I am sure my Democrat friends will agree with me on this—that if the sole charges pending before the Gillette subcommittee were charges prepared in the headquarters of an opposing political party, and I was not subpenaed, not invited to appear, but told I could appear if I wanted to appear, is it his position that I should be censured for not having asked for the right to appear?

Mr. WATKINS. The Senator did not have to ask for the right to appear, no matter how he construed what the committee said to him. So far as I am concerned, they appeared to be invitations, no matter what language was used. The Senator knew that those charges were there. He knew all about them. He said so in his testimony. I have a strong feeling that, under the Constitution, the duty of a Senator of the United States is to respect committees and to cooperate to the limit, particularly when his own honor, the honor of his State, and the honor of the Senate are at stake.

Mr. McCARTHY. I thank the Senator.

Mr. WATKINS. They were as courteous as they possibly could be. We are not going to run it all down to find out who prepared it.

Mr. McCARTHY. I ask——

Mr. WATKINS. Just a moment. I have the floor. The important thing is these charges, not the sidelines and diversions the Senator wants to keep us on. When a Senator makes certain charges and brings them before a body, they become his charges, and they are his sole responsibility, no matter who prepares the charges.

Mr. McCARTHY. I think the Senator has made himself clear.

Mr. WATKINS. I hope so.

Mr. McCARTHY. Then the Senate is to understand that the Senator from Utah believes, regardless of whether the Gillette committee was performing its functions or not, and regardless of whether it may have called an insane witness, I——

Mr. WATKINS. The Senator is not asking me a question. I insist on his asking questions.

Mr. McCARTHY. I do not want to take the Senator's time indefinitely. I refer the Senator to pages 295 and 296 of the hearings. The Senator had in his hands by subpena records which show that the Gillette staff had reported that not only was this man mentally incompetent, but that his testimony was valueless. I tried to show that I had asked the right to present this evidence. I wanted to show the fact that he had been committed to a home for the criminal insane.

I desire now to go to another point. On page 24 of the report——

Mr. WATKINS. Well——

Mr. McCARTHY. Does the Senator wish to answer?

Mr. WATKINS. I do not know whether the Senator is asking a question or making a speech. I will say that it is repetitious. The Senator has been saying it for 20 minutes. I will not reply any further to it. I think I have stated my position. All the Senator need do to get the answer is to read the report again.

Mr. McCARTHY. On page 24 of the report the select committee stated—will the Senator refer to page 24 of the report? I refer to the last three lines. They read:

> It may be, although this select committee is not in a position to so decide, that some parts of the investigations and proceedings of the Subcommittee on Privileges and Elections was concerned with matters arising before January 1947.

The report states it may be the committee is not in a position to decide. Is it not true that at the time this report was made——

Mr. WATKINS. Is the Senator asking me a question about that?

Mr. McCARTHY. Yes; I will.

Mr. WATKINS. Let me answer it.

Mr. McCARTHY. Let me ask the question first. Is it not a fact that at the time the committee said, although it was not in a position to decide that some parts of the investigation concerned themselves with matters arising before January 1947, it had in its possession staff reports showing that I had borrowed $2,000 back in 1936, the year after I had graduated from college, long before I was old enough to run for the Senate? Is it not true—and I call attention to what the committee had before it, and this is the photostat of it—is it not true that the committee had subpenaed from the Gillette subcommittee the income-tax returns which the Gillette subcommittee had obtained, dealing with the income of my father, who had died before I was a candidate for election to the Senate, and of all my brothers and sisters and my brother-in-law, and that the Gillette subcommittee was examining all those reports, and that those reports concerned matters long before 1947? Does not that fact contradict the committee's conclusion that it had no way of knowing whether the Gillette committee was going beyond its jurisdiction?

Mr. WATKINS. The jurisdiction of the Gillette committee was specified in the resolution appointing it, and it had some jurisdiction also under the Reorganization Act itself. Although I cannot put my finger on the exact spot at this time, the committee said, in effect, that it went into those matters only for the purpose of determining the present status and records of the Senator's financial transaction. That was the reason.

I will say this, as well. They were given a certain job to do. They were working on that job. They were investigating the Senator's operations after he became a Senator. They say it was within their jurisdiction. They may have slopped over. For the most part, they were considering matters that had been delegated to them by the Senate of the United States. Whether their explanation was correct or incorrect, when they said they had to go back that far, I cannot say, but I do know from that record that they were investigating matters connected with operations of the junior Senator from Wisconsin after he became a Senator of the United States. They were acting at least in a large part within their jurisdiction authorized. It cannot be said that they were completely outside their jurisdiction merely because they got into other fields. They may or may not have had justification, but it was not our business to go back into that.

Mr. McCARTHY. The Senator has said to the Senate, and surely he believes what he has put into the report, that he had no way of knowing whether or not the Gillette commitee went beyond its jurisdiction; namely, beyond 1947.

I handed the Senator from Utah, the chairman of the select committee, the report, showing that the Gillette committee had subpenaed the income tax return of my father after he was dead and before I was a candidate.

I call the Senator's attention to page 27 of the Gillette report, which I understand the Senator to say he has read. I refer to page 27 of the report, entitled "McCarthy's 1944 Primary Campaign for the Senate."

In it, the Gillette subcommittee questioned, not how McCarthy made his money, but how he spent his money. In view of that fact, does the Senator wish to correct this statement and tell the Senate if he now knows, that the Gillette committee had gone back beyond 1947, and did go beyond its jurisdiction?

Mr. WATKINS. As a matter of law, I still am not in a position to determine whether the Gillette subcommittee was correct in its explanation that it was making the investigation with respect to matters prior to the Senator's election because it was necessary to do so in order to understand his present operations. I do not know. That is all we said. We said we did not know.

We did not believe it was our obligation to find out. The Gillette subcommittee was operating, at least in part with respect to matters that had been assigned to it.

Mr. McCARTHY. Does the Senator mean that some parts of the investigation of the Gillette subcommittee were concerned with matters arising before January 1947? I call the Senator's attention to his statement, that that may be so, although the select committee is not in a position to decide. Does the Senator stand by that statement?

Mr. WATKINS. Just a moment. I will read it, and I will answer the question.

> It may be, although this select committee is not in a position to so decide, that some parts of the investigation and proceedings of the Subcommittee on Privileges and Elections were concerned with matters arising before January 1947, but it is the judgment of this select committee that this extension of power and authority did not ipso facto nullify the power and jurisdiction of that

subcommittee to proceed with its lawful duties and powers.

Yes, I stand on it. It is sound law, and it is right.

Mr. McCARTHY. On page 5 of the Senator's speech this morning he cited the fact that——

Mr. WATKINS. I do not know to which resolution the Senator is referring.

Mr. McCARTHY. The resolution which the Senator submitted. On page 2 of the resolution, as the Senator will see if he drops down to line 11, he asks that the junior Senator from Wisconsin be censured because he denounced a witness, namely, Zwicker, for refusing to criticize his superior officers. Is the Senator aware of the fact that the only time General Zwicker was asked about his superior officer was when he was asked by Senator POTTER's representative, Mr. Jones, whether he agreed with the secrecy order of the President, and he said that he would not criticize his commanding officer; and that I did not enter into that discussion, and did not order him to answer? That was allowed to stand. That is the only time his superior officer was discussed. Is the Senator aware of that?

Mr. WATKINS. The situation, as I recall it, was this: In the beginning of the executive hearing in which General Zwicker was questioned, Mr. Cohn, the staffman, asked him certain questions. He asked whether, if he were in position to give all the answers, he would be placed in an unfavorable situation; and he stated, then and there, in substance, that he was not in position to testify with respect to many of those questions, but that if he were he would not be put into a bad position, if he could give the answers. He understood in the beginning, and made it very clear, that he was acting under orders with respect to certain parts of his testimony, and that he could not testify. Yet, the junior Senator from Wisconsin went ahead and pressed him on various points which he construed as meaning that if he had to testify, it would place him in a position of violating the order of his superior, the Commander in Chief of the United States Army, the President.

This is a conclusion of law in the resolution, but I think the evidence supports the amendment we have offered to the Flanders resolution. When we get to that particular point I shall be glad to argue it.

Mr. McCARTHY. We are at it right now.

Mr. WATKINS. I notice that the Senator from Wisconsin is. I did not cover it in my main speech, but I am submitting myself to cross-examination——

Mr. McCARTHY. Not cross-examination. The Senator is asking that I be censured, and I am entitled to have the Senator tell the Senate the grounds for such censure. The Senator says I criticized the witness for refusing to criticize his superior officer. Another reason assigned has reference to executive directives. The Senator said the witness was criticized for respecting official orders. When did I criticize him for that? That is something the Senate is entitled to hear if it is going to censure me.

Mr. WATKINS. The record shows it.

Mr. McCARTHY. Where?

Mr. WATKINS. I am not in position to point it out in the record, specifically, but I call attention to page 137 of the hearing, part 3, on Senate Resolution 189, in connection with the examination of General Zwicker in New York by the Senator.

Mr. McCARTHY. I do not happen to have that before me. Does the Senator mind if I look over his shoulder?

Mr. WATKINS. Not at all. I am willing to cooperate with the Senator.

Mr. McCARTHY. I thank the Senator. Go ahead.

Mr. WATKINS. I read:

> The CHAIRMAN. I may say, General, you will be in difficulty if you refuse to tell us what sensitive work a Communist was being considered for. There is no Executive order for the purpose of protecting Communists. I want to tell you right now, you will be asked that question this afternoon. You will be ordered to make available that information.

Mr. McCARTHY. Those are the grounds upon which the Senator says I should be censured for denouncing the witness for refusing to criticize his superior officer? I do not follow the Senator. There is no criticism of a superior officer there.

Mr. WATKINS. Whether the Senator follows me or not, that is one of the references in a long record, and I cannot pick out any one thing without going through the whole matter, and I do not care to answer a question of that length now.

Mr. McCARTHY. The Senator has his prosecuting attorneys here——

Mr. WATKINS. Just a moment. Mr. President, I yielded to the Senator for a question. I did not yield to him to criticize the committee staff who cannot reply.

Mr. McCARTHY. Let me ask the Senator another question. Talking about the committee staff, since he brought it up——

Mr. WATKINS. I did not bring it up; the Senator brought it up.

Mr. McCARTHY. Is the Senator aware of the fact that his staff mimeographed and gave to the press the phony wire which was in the file marked "Not sent," and, thanks to Senator CASE, who went through the file, we discovered it had not been sent? It was put on the table for all the newsmen as proof that I had refused to accede to an order to appear before the Gillette committee. Is the Senator aware of that?

Mr. WATKINS. I am aware of various exhibits which came from the Gillette hearings, the letters the Senator wrote and the answers, back and forth, which were mimeographed and placed upon the tables for the convenience of the members of the press so they would not have to take them out of the record itself when they were presented. They were to be presented, and were presented. Our own committee discovered that that particular telegram had a penciled notation on it, "Not sent," and we were fair enough to bring that out.

Mr. McCARTHY. Let us get to the question.

Mr. WATKINS. The Senator asked me if I was aware that it was placed on the table. Yes.

Mr. McCARTHY. The question is, "Are you aware of the fact"——

Mr. WATKINS. The Senator thanked our committee for our fairness at the time; and I do not know why he is raising a question about it now.

Mr. McCARTHY. I have since discovered, from reading the record, that the staff did not disclose it, but that Senator CASE demanded the file and found that the wire had not been sent.

Is the Senator aware of the fact—this is only in connection with whether the staff were prosecuting counsel or not—that they did in fact take the wire which was marked across the face of it, "Not sent," and delete the words "Not sent," mimeographed it, and gave it to the press as proof? Is the Senator aware of that? And, if he is, did he ever reprimand his staff for it?

Mr. WATKINS. I am not aware that it was done in the way the Senator has said it was done. It was a part of a long list of exhibits to which the Senator's own attorney called attention, and it was admitted at the request of his attorney. That was one of the exhibits. If we had left it out completely we would have been criticized for leaving out one of the exhibits and for trying to cover up something.

Mr. McCARTHY. I do not think the committee would be criticized for leaving out a wire that was not sent.

Mr. WATKINS. We do not know yet whether it was not sent. We had the Senator's word for it.

Mr. WELKER. Mr. President, just a moment——

The PRESIDING OFFICER (Mr. PAYNE in the chair). The Senator from Utah has the floor and has yielded for a question.

Mr. WATKINS. I have yielded to the Senator from Wisconsin for questions.

Mr. McCARTHY. I have a few more to ask.

Mr. WELKER. Mr. President, will the Senator from Utah yield?

Mr. WATKINS. I cannot yield now. I shall yield a little later.

Mr. McCARTHY. Is it correct that the Senator went on the air and made a statement to the effect that it made no difference whether the jurors on this six-man jury were unprejudiced or not?

Mr. WATKINS. In the first place, we were not jurors. I made some kind of a statement—I do not know that it had anything particularly to do with the issues involved. But I stated that the Members of the Senate, by and large, come here with various programs and ideas which they have been advancing, and that in matters generally Senators of the United States do not have to be impartial.

Mr. McCARTHY. In other words, the Senator feels——

Mr. WATKINS. I was misled. I did not know I was to be asked a question with respect to this particular matter before the committee. I have said, and I will say it again, to make it perfectly

clear—it was said in our opening statement, and I will say it now—that the requirement was made by this body, in its official order, that the committee was to be comprised of 3 Democrats and 3 Republicans. That is the only requirement which was made.

In my opening statement, when the committee began its hearings, I said, in addition to that, in a larger sense, that it was desired to have men who could make a fair and impartial investigation.

I submit that all of us, at least most of us, have been Members of the Senate for a number of years. Certainly we have heard about the junior Senator from Wisconsin, and we have heard about his activities. They have been bruited back and forth.

There have been matters like the Gillette investigation. A resolution was submitted by that committee; we took part in the debate, and we voted upon the resolution. These matters have been going on for a long time. It would be a rare person, indeed, who had not formed some impression or some judgment or some opinion of the events as they happened.

In the instance of jurors in courts, where the jurors have heard about the case under consideraiton, and may have formed some impressions or have said something about it, the final question which the court asks the jurors is, "Can you lay aside your impressions about what you may have heard, and can you hear the evidence fairly and impartially and render a fair and impartial verdict?"

If it is intended to have the Senate take care of this matter at all, it is necessary to have as members Senators who have been hearing these things discussed back and forth all the time. The only time it would be possible to get a completely neutral person would be to select one who was deaf, dumb, and blind, and was a moron to start with.

Mr. WELKER. Mr. President, will the Senator from Utah yield for a very short question? I thought I was a Member of the Senate.

Mr. McCARTHY. I shall be glad to defer to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Utah has been recognized and has the floor. Does the Senator from Utah yield to the Senator from Idaho?

Mr. WATKINS. I thought the junior Senator from Wisconsin desired to continue with his series of questions without interruption. For that reason I have yielded to him.

Mr. WELKER. I beg the Senator's pardon.

Mr. WATKINS. If the Senator from Idaho desires to break in briefly, then, as a courtesy to the junior Senator from Wisconsin, I shall be glad to yield to the Senator from Idaho for a question.

Mr. WELKER. I appreciate very much the courtesy of my distinguished friend from my neighboring State of Utah. In connection with the brief which I have prepared, I should like to interject this question:

A moment ago the Senator from Utah said that all Senators knew of the record of the junior Senator from Wisconsin.

Mr. WATKINS. I said they knew something about it.

Mr. WELKER. I ask the Senator from Utah if it is not a fact that the electorate, the people, of the sovereign State of Wisconsin also have known of and have read the record, and have sent the junior Senator from Wisconsin back to the Senate to represent their State. I desire to have that question answered.

Mr. WATKINS. Very well; I will answer it, though, perhaps, I am incompetent to answer the question, because I do not know how much the people of the State of Wisconsin knew about the record of the junior Senator from Wisconsin.

Mr. WELKER. Does not the Senator from Utah know that the junior Senator from Wisconsin was certified as having been elected by the sovereign State of Wisconsin?

Mr. WATKINS. The Senator from Idaho can place that statement in the RECORD. I do not have to agree with him simply because he makes a statement in the form of a question.

I may say that many of the matters considered by the Gillette committee were not known to me until I began to read the record. How the people of Wisconsin could have determined upon those matters, some of which had not happened before the election, how they could have considered them if the matters had not happened until afterward, is beyond me.

My answer is: "No." The people of Wisconsin apparently did not have before them the information about all the matters, because some of them had not happened yet.

Mr. WELKER. The last question I will ask is if it is not a fact that the Senator from Utah does not feel in his heart, with the junior Senator from Idaho, who once was a member of that committee, that the committee knew the facts?

Mr. WATKINS. The Senator from Idaho has the advantage of me. I was not a member of the committee. I was working day and night on several other committees.

Mr. WELKER. I thank the Senator from Utah.

Mr. McCARTHY. May I ask the Senator from Utah if he is aware of the fact that 2 of the staff members of the Gillette committee, as well as 1 of the members of the Gillette committee, resigned, stating that they felt the committee was being dishonestly handled? Is the Senator aware of that fact?

Mr. WATKINS. I am aware of the fact that they resigned. I am aware that they made some accusations. But that did not mean, in my mind or in my judgment, that the committee was dishonest. I assume—and I think it is assumed in the courts of the land everywhere, where matters of this kind are considered—that there is an assumption that a court is honest until charges are proved that it is dishonest.

I say that every committee is supposed to be an honest committee, and Senators ought to act on that assumption, until it is shown to the contrary in a competent manner, and not by a lot of wild charges made by staff members who have resigned.

Mr. McCARTHY. Did the Senator from Utah attempt to call either of the two staff members, to get from them, under oath, what actions on the part of the Gillette committee they considered to be dishonest? Did the Senator from Utah ever attempt to call the distinguished junior Senator from Idaho [Mr. WELKER]?

Mr. WATKINS. Wait a minute. That is a question. I will answer it.

Mr. McCARTHY. Let me finish my question. It is stated in the report, and I quote, "Following a search for evidence." Therefore, I wonder whether the committee discovered this evidence, and if they considered it of sufficient importance to call witnesses.

Mr. WATKINS. We did not think it was material. But if the junior Senator from Wisconsin thought it was, why did he not ask us about it? We gave him opportunity after opportunity to suggest witnesses, but he never suggested any. He never suggested the distinguished junior Senator from Idaho [Mr. WELKER], either.

Mr. McCARTHY. The Senator from Utah says that all he was interested in was the obtaining of competent evidence. If the Senator will turn to page 296, volume 1, of the hearings, I desire to quote from his ruling, as follows:

> The only matter this committee is interested in is whether a resolution had been introduced authorizing the investigation; and, second, was it being carried on, and did it have jurisdiction?

By that ruling, the Senator from Utah excluded testimony by any witnesses showing that the investigation was improperly conducted. Does the Senator agree with me that he ruled out any evidence showing justification for the criticism of the Gillette committee?

Mr. WATKINS. We had an additional factor, which the junior Senator from Wisconsin very carefully dodged, namely, that this body passed on the record of the Gillette committee when the resolution testing its jurisdiction and testing its honesty was submitted to the Senate and was adopted.

Mr. McCARTHY. The Senator from Utah misstates a fact.

Mr. WATKINS. That was established——

Mr. McCARTHY. Does the Senator agree——

Mr. WATKINS. Just a minute. That was established by a vote of this body in proper manner, and it became binding. We did not go back of that.

Mr. McCARTHY. Does the Senator from Utah agree that the only question before the Senate was whether or not the Gillette subcommittee should have been discharged from considering the Benton resolution, and that that was the only matter before the Senate; and that some Senators, myself in particular, asked that the subcommittee be continued to consider the matter and file a report, and that there was nothing whatsoever in the resolution approving the conduct of the committee?

Mr. WATKINS. The resolution itself will show what was contained in it, what it attempted to do, and the RECORD will show the debate in connection with it.

I do not consider the statement of the junior Senator from Wisconsin to be a fair résumé of the facts with respect to it or what it contained.

Mr. McCARTHY. The Senator from Utah has his staff members present, and he has made a statement. He has said that the activities of the Gillette committee were approved by a Senate vote. Does not the Senator think that perhaps he should ask when the Senate acted on that resolution?

Mr. WATKINS. That is in the record.

Mr. McCARTHY. The Senator will find that what I tell him is true; that it was merely a resolution submitted by the senior Senator from Arizona [Mr. HAYDEN], I believe, to discharge the Gillette subcommittee, which was a subcommittee of the Committee on Privileges and Elections. At that time I took the position that the subcommittee should not be discharged, because there was pending before it the Benton resolution.

The Senator will find in the record that the Senator from Iowa [Mr. GILLETTE] said that if the subcommittee were not discharged, they would proceed vigorously to investigate the Benton matter. I am not asking the Senator to remember that, but I wish he would check the record, and then tell me tomorrow whether or not I have stated the situation correctly.

Mr. WATKINS. The Senator will find in the hearing record the resolution submitted by the Senator from Arizona [Mr. HAYDEN], and joined in by other committee members. It is set forth in detail there. I will stand on what it shows.

Mr. McCARTHY. I have just one or two other questions.

Would the Senator from Utah say that if one of the members of his committee said he was disqualified, or felt he was disqualified, that he should still have been allowed to sit on the committee and to help decide whether or not the committee would recommend censure?

Mr. WATKINS. I do not understand the Senator's question.

Mr. McCARTHY. It was rather simple. Will the Senator listen carefully? Does the Senator think that if a member of his committee stated that he felt he could be disqualified because of letters he had written opposing my activities, he should, nevertheless, have been allowed to remain on the committee and render a verdict in the all-important case of whether or not a United States Senator should be censured?

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. WATKINS. I yield to the Senator from North Carolina.

Mr. ERVIN. Will the Senator ask Senator McCARTHY to read the entire statement so that Senator McCARTHY cannot be accused of taking something out of context and perverting its meaning?

Mr. McCARTHY. I was not there. I do not know what was said by the Senator from North Carolina. I know the New York Times reported that the Senator from North Carolina said he could be disqualified if he were appointed on the committee; that the Senator said he had written letters deploring my attitude toward witnesses. I know that——

Mr. WATKINS. Just a moment.

Mr. McCARTHY. Let me finish the quotation. He asked for the quotation.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. WATKINS. I yield to the Senator from North Carolina.

The PRESIDING OFFICER. Does the Senator from North Carolina wish to reply?

Mr. McCARTHY. Mr. President, the Senator asked for the quotation. Let me read it. May I read this, Senator?

Mr. ERVIN. The Senator may read my statement.

Mr. McCARTHY. I read:

Special to the New York Times——

Mr. ERVIN. I had never been interviewed by the New York Times.

Mr. McCARTHY. I continue the quotation:

Senator SAMUEL J. ERVIN, JR., said in an interview in the Winston-Salem Journal and Sentinel August 1 that he "has formed an unfavorable opinion of the junior Senator from Wisconsin since going to Washington."

Senator ERVIN was also quoted as saying that, if he were appointed to the committee on censuring Senator JOSEPH R. McCARTHY, the Wisconsin Senator "could have me disqualified."

The North Carolina Democrat, who is now a member of the select Senate committee considering the censure of Senator McCARTHY, was quoted as saying:

"I have written letters in which I deplore some of the tactics used by Senator McCARTHY. Before I came up here, I had the impression that he had been unduly rough on witnesses."

I now read from the Greensboro Daily News of August 4, 1954:

At the same time the North Carolina Senator——

Mr. WATKINS. Just a moment.

Mr. McCARTHY. Let me finish.

Mr. WATKINS. I have the floor. Is the Senator asking a question or making a speech?

Mr. McCARTHY. The Senator from North Carolina asked that I read the quotation. I think, in fairness, I should read it to him.

Mr. WATKINS. Was the Senator reading what the Senator from North Carolina said?

Mr. McCARTHY. I was reading the quotation. I was not there.

Mr. WATKINS. What the Senator from North Carolina said, or what the newspaper quoted him as saying?

Mr. McCARTHY. I was not there. I am taking the newspaper quotation.

Mr. WATKINS. The Senator is asking if that is the quotation?

Mr. McCARTHY. I am reading the news article:

At the same time, the North Carolina Senator declared, if he had been in the Chamber instead of at dinner when McCARTHY spoke, "it would have required all the judicial temperament I possess not to have been inclined to have voted to censure him on the spot."

There is an additional quotation referring to a situation which my Democratic friends were pleased to see come about.

ERVIN pointed out that the best way of getting rid of the problem presented by the Senator from Wisconsin would be to elect a Democratic Senate in the fall.

I ask the Senator——

Mr. WATKINS. I myself am going to read something. May I ask the Senator from North Carolina if he desires that I read this article?

Mr. ERVIN. Yes.

Mr. WATKINS. Winston-Salem Journal, August 5, 1954:

ERVIN WANTS TO STAY OFF COMMITTEE

(By Eleanor Nance)

WASHINGTON, August 4.—Senator SAM ERVIN suggested tonight that if he were named to the six-man Senate committee to investigate Senator JOSEPH R. McCARTHY the latter "could have me disqualified."

The Tarheel, who has stated emphatically that he does not care to serve, recalled a statement he made Monday before the Senate voted to have a special committee look into the activities of the junior Senator from Wisconsin.

"I said then that I would vote to have the committee appointed and that if any of the charges made against Senator McCARTHY were found to be factually true I would vote to censure him," Senator ERVIN said.

"I would not want a judge to try me if he said first he would put me in jail if I were guilty. I would hope for a suspended sentence."

Obviously searching for reasons why he should not serve on the committee, Senator ERVIN added, "I have written letters in which I deplored some of the tactics used by Senator McCARTHY. Before I came up here I had the impression that he had been unduly rough on witnesses."

While Senator ERVIN may hold that this constitutes "prior judgment" many of his colleagues felt otherwise. He was still being held a very likely prospect for membership on the committee.

"Men ought to be appointed who have been here a long time and acquired prestige," he said. "I'm just the lowest down Senator in seniority."

But did not the North Carolinian consider service on the committee an obligation of any Senator, since the Senators voted themselves to have the committee set up?

"I do consider service an obligation but it's an obligation of those who have been here a long time," said the man named to succeed the late Senator Clyde R. Hoey. "It's not the obligation of a poor little country fellow who just got here."

Asked what he thought was the most serious charge made against Senator McCARTHY, Senator ERVIN said, "I think the charge that he invited employees of the executive branch to surrender classified materials to him is the most serious thing."

Senator ERVIN also said he "wants to get out of here and get home so the people can see if they want to keep me. If they want to fire me, I want to know as quick as I can so I can practice law before I get too old."

That is the full article.

Mr. ERVIN. I hand the Senator from Utah another news article, which I ask the Senator to read.

Mr. WATKINS. I read now an article from the Winston-Salem Journal of August 3, 1954:

NORTH CAROLINA SENATORS FAVOR PROBE OF McCARTHY

(By Eleanor Nance)

WASHINGTON, August 2.—Both North Carolina Senators said tonight they approved having a committee investigate charges against Senator McCARTHY, Republican, of Wisconsin, and render a report to the Senate at this session.

Senator ALTON LENNON and Senator SAM J. ERVIN said that if such a report found the Wisconsin Republican guilty of any of the specific charges made against him in a resolution offered by Senator WILLIAM FULBRIGHT, Democrat, of Arkansas, they would then vote to censure him.

The two Tar Heels emphasized that they would not vote to censure Senator MCCARTHY without "a complete and full hearing, at which he would be allowed to testify and defend himself." Both agreed that a 6-man committee composed of 3 Democrats and 3 Republicans should conduct the investigation. Neither Tar Heel said he would care to serve on this group, but either would serve "if requested."

Senator LENNON and Senator ERVIN differed on the news coverage which the proposed investigation should be afforded. Senator LENNON favored a closed session, with transcripts periodically released to the press. Senator ERVIN favored an open hearing, but with television banned.

"I don't believe in television in open hearings," he declared. "It tends to make a show of the matter."

The two agreed that the committee investigation of Senator MCCARTHY should take place during this session of Congress. If necessary, they said, the Senate should stay in session until it is completed, or else adjourn under a rule whereby Members could be called back to vote on the committee's findings.

Those are the statements, and I am wondering, since the junior Senator from Wisconsin has raised the question, if he is objecting to any Senator's sitting on this court—and the Senate is the court—the committee was not the court——

Mr. McCARTHY. I am asking a question——

Mr. WATKINS. Just a moment. I ask the junior Senator from Wisconsin if he objects to any Senator who has ever taken a position, either for or against him, sitting on this court on the censure charges?

Mr. McCARTHY. Mr. President, I call for the regular order.

Mr. WATKINS. The regular order is that I surrender the floor.

Mr. McCARTHY. The Senator is not going to run out on me, is he?

Mr. WATKINS. No; I am not going to run out, but the Senator called for the regular order. If it is up to me, the Senator is through.

Mr. McCARTHY. I am not through. I am far from through. I may say, out of courtesy to the Senator, that he has stated he was not feeling too well today. The questions I have to propound will continue for a long time. I shall be glad to desist asking them until a future time if the Senator desires to rest.

Mr. WATKINS. When I do I shall indicate it.

Mr. McCARTHY. Very well. I do not wish to unduly tire the Senator. The question is, Does the Senator think that if a man states he could be disqualified—a man who has been a judge, who knows what it means to be disqualified—he should sit on a court or a jury in such an important case as this?

Mr. WATKINS. I think the Constitution provided the jury. Senators are the only ones who can sit as judges. We cannot go outside the Senate to get persons to try Senators. We have to take them as they are. If what the junior Senator from Wisconsin says is true, we probably could not find anyone who could sit in judgment, because somewhere along the line he may have said something about the junior Senator from Wisconsin, or someone may have said something which someone else did not like.

Under those circumstances, the Senate never would have an opportunity or never would be in a position to consider the activities and charges that might have been filed as a result of them. Under those circumstances, we would be absolutely powerless and helpless.

The Senate itself laid down the rule; there had to be three Democrats and three Republicans. But I said myself that the Senate was under a larger obligation, in that it had to get for service on the committee Senators who would hear the charges impartially and fairly. But I have always said, after all the charges the junior Senator from Wisconsin made day after day at the hearings, that I never sat with men whom I felt to be more fair and more considerate and more willing to go into the matters of testimony and law than this group, all the time I was with them. There was never a time when politics entered into this matter in any way, shape, or form.

Mr. McCARTHY. May I say——

Mr. WATKINS. I am talking.

There was always a feeling that it was a very distasteful thing to have to consider, in a critical way, the conduct of one of our own colleagues; and in my own case, sitting next to the junior Senator from Wisconsin in the Senate Chamber, and in view of the fact that both of us came to the Senate at the same time, and that we have always been on friendly terms, it was deeply distasteful to me to sit on the committee. I am sure that was true of all the other Members; we would have done almost anything to get out of it. But with the charges laid down and the votes of 74 Senators saying, "These are the charges, and we want you to come back with a report, so we can consider the resolution at a later date," under those circumstances, no matter what a Senator may have said, he should do his best, and should accept the assignment as a matter of duty; even though he had made some expression one way or the other, he should do his duty as a Senator, and should consider these matters impartially and fairly under the circumstances, because the Senators themselves are the only ones who can handle these matters; no one else can be called upon to handle them.

Even if we were to get into a situation where Senators would be evenly divided, with half of the Senators voting one way and half of them voting the other way, if the theory of the junior Senator from Wisconsin were correct, even so they would all have to be absolutely impartial in the matter.

I am saying—and I want it understood—that the members of the select committee did act fairly and impartially. We ruled on the evidence on the basis of the best light we could get. We checked, and we agreed at all times on the rulings that were made. I was carrying out the mandate of the committee with respect to the rulings on the evidence. That was the situation.

Mr. KNOWLAND. Mr. President, if the Senator from Utah will yield, so that I may make an inquiry of both Senators, let me point out that it is now approximately 12:15 p. m.; and the Senator from Utah has been on his feet for a considerable period of time, and the junior Senator from Wisconsin has been on his feet for a time. Apparently he has some additional questions to ask.

Mr. McCARTHY. Yes; a great number.

Mr. KNOWLAND. I am perfectly willing either to have the session continue a while longer, or else at this time to request that the Senate take a recess. If we do take a recess at this time, for approximately 45 minutes, as I have previously indicated, that would bring us back into session at 1 p. m.

Mr. McCARTHY. May I ask one question before the recess is taken?

Mr. KNOWLAND. Certainly.

Mr. McCARTHY. I wish to ask just one question before the recess is taken.

Would the Senator from Utah say that if a man who was selected to be chairman of the committee had been seen shaking hands with me, and had told a news columnist—and I shall name him: it was Constantine Brown—that he hoped the cameras would not see him shaking hands with me——

Mr. STENNIS. May we have order, Mr. President, so we can hear the questions?

The PRESIDING OFFICER (Mr. BUSH in the chair). The Senate will be in order.

Mr. McCARTHY. I shall speak louder.

I ask the Senator from Utah this final question, before we take a recess: I ask him whether a member of the committee, who was finally selected as the chairman, told a news columnist—and I will name him, so there is no question about it: Constantine Brown—that he hoped the news cameras or the television cameras did not catch him shaking hands with me—this was during the Army-McCarthy hearing—because he could never explain that to the newspapers in his State. Does the Senator from Utah think that might possibly disqualify him, in view of the fact that a finding in my favor, rather than a mere handshake, would be much more difficult to explain to his newspapers? That is question No. 1.

Question No. 2, if the Senator from Utah will answer both questions at once——

Mr. WATKINS. No; let us have one question at a time.

Mr. McCARTHY. Will the Senator answer both of them at once?

Mr. WATKINS. No, I prefer to have one question at a time.

I do not recall any such instance with the newspaper correspondent the junior Senator from Wisconsin mentions. I may have had a conversation with him, but I do not recall any statement of that kind.

Mr. McCARTHY. Does the Senator recall that one day, as he walked into

the Mundt hearings, I was coming out, and I had not seen him for some time, and I did the normal thing; I said, "Hello, Senator," or "Hello, Arthur," or something of the sort, and I shook hands with him; and he rushed out of the room, and went to Constantine Brown, and said, "I hope none of the news cameras or television cameras caught that, because if they did, I never will be able to explain that to the newspapers in my State."

Mr. WATKINS. I will say I never said any such thing.

RECESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate resumes its session at 1 p. m., the situation on the floor will be as it is at the present time, namely, as I understand, that the Senator from Utah [Mr. WATKINS] has the floor, and the junior Senator from Wisconsin [Mr. McCARTHY] is interrogating him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I now move that the Senate stand in recess until 1 o'clock p. m. today.

The motion was agreed to; and (at 12 o'clock and 17 minutes p. m.) the Senate took a recess until 1 p. m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. BUSH in the chair).

CALL OF THE ROLL

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Flanders	Martin
Aiken	Frear	McCarthy
Anderson	Fulbright	McClellan
Barrett	Gillette	Monroney
Beall	Goldwater	Morse
Bennett	Gore	Mundt
Bricker	Green	Murray
Bridges	Hayden	Neely
Brown	Hendrickson	Pastore
Bush	Hennings	Payne
Butler	Hickenlooper	Potter
Byrd	Hill	Purtell
Capehart	Holland	Robertson
Carlson	Hruska	Russell
Case	Humphrey	Saltonstall
Chavez	Jackson	Schoeppel
Clements	Johnson, Colo.	Smith, Maine
Cooper	Johnson, Tex.	Smith, N. J.
Cotton	Johnston, S. C.	Sparkman
Crippa	Kefauver	Stennis
Daniel, S. C.	Kilgore	Symington
Dirksen	Knowland	Thye
Douglas	Kuchel	Watkins
Duff	Langer	Welker
Dworshak	Lehman	Wiley
Eastland	Lennon	Williams
Ellender	Magnuson	Young
Ervin	Malone	
Ferguson	Mansfield	

The PRESIDING OFFICER. A quorum is present.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. 301) to censure the junior Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Utah [Mr. WATKINS] has the floor.

Mr. WATKINS. Mr. President, I was occupying the floor when the Senate took a recess. I have been on my feet, with the exception of a brief interruption for the luncheon period, for a considerable period of time. I have extended courtesies to the junior Senator from Wisconsin in order to enable him to ask me questions. I do not intend to deny him the opportunity for further questioning, but at this moment I wish to yield the floor. Later I shall submit myself for questioning.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. WATKINS. I yield.

Mr. McCARTHY. When will the Senator be available for further questioning?

Mr. WATKINS. I cannot tell the Senator now when I shall be available for further questioning. The Senate will have to proceed with its deliberations. When I take the floor again I shall extend courtesies to other Senators to enable them to ask questions for a limited period, but I do not intend to stand on my feet all day, or for long periods of time, merely for the purpose of assisting some other Senator to present what he would like to present, and which he could present just as well in his own time and in his own speeches.

Mr. President, I yield the floor.

Mr. McCARTHY. Mr. President, I wish the Senator from Utah would tell me when he expects to be available to answer further questions, because it will be difficult, almost to the point of being impossible, to prepare our case without questioning him on his position, because there are so many contradictions in the record. He is chairman of the committee. I certainly agree that if the Senator does not wish to be questioned further today, he should be extended that consideration; but I do think that, as another act of courtesy, he should tell me when he will be available for further questioning. Can the Senator tell us?

Mr. WATKINS. Mr. President, I will say to the Senator that if the junior Senator from Wisconsin wishes to know about documents, or wishes to ask specific questions, if he will submit them to us we shall be prepared to answer such questions. However, it is an impossibility to dig into a voluminous set of records and a mass of papers on the spur of the moment. If there are certain questions in which the junior Senator from Wisconsin is really interested, well and good. But the questions should be material and relevant.

I have extended courtesies to the Senator. I am under no obligation to submit myself to questions, so as to enable him to make his case through me. I am willing to go the limit, under reasonable circumstances. I am saying that as of now I yield the floor. I do not know when I shall take the floor again, but I expect to do so during the course of this debate. In the meantime, if the junior Senator from Wisconsin will submit to us questions to which he wishes answers, questions relating to documents, and so forth, we shall find the documents and be prepared to answer the questions.

Mr. McCARTHY. Mr. President, there is no way by which I can force the Senator from Utah to answer the very important questions which should be answered. I have no desire to try to compel him to answer those questions today. However, I think he should, as a courtesy, tell me when he feels he might be able to return and answer questions. Apparently he does not wish to answer questions——

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. McCARTHY. I yield.

Mr. KNOWLAND. In view of the statement of the Senator from Utah, who has been on his feet for a considerable period of time, I was wondering whether it might not be possible for questions to be submitted by the distinguished junior Senator from Wisconsin, either publicly on the floor of the Senate or privately to the committee. I undestand that at all times there was a pretty full attendance on the part of other members of the committee. Other members of the committee might be able to throw light on the questions which the junior Senator from Wisconsin, is certainly entitled to ask if he is basing a part of his defense upon them. I am sure the Senator from Utah and the other members of the select committee would be glad to cooperate. Perhaps the questions could be asked in writing or orally. Rather than keep the Senator from Utah on his feet, perhaps my suggestion might furnish a satisfactory alternative to the junior Senator from Wisconsin.

Mr. McCARTHY. I certainly do not wish to keep the Senator from Utah on his feet if he believes he is not able to answer these questions today. However, he is the chairman of the select committee. He made the rulings. I have made the statement that I thought the rulings were in error, and I felt the best way to prove they were in error was to get his reasoning, so that the Senate would know what his reasoning was for making his rulings.

I am not requesting that he be asked to answer the questions today. However, in view of the fact that he has made serious charges against me, and because he is chairman of the select committee and has taken the active and leading part in this matter—I could not question him during the course of the hearings of the select committee because he had a gavel then; he does not have a gavel today, and he will not have a gavel in the Senate—and because I believe I am entitled to have the answers, I thought he should be the one to give the answers to me.

The Senator from Utah says he will not tell me when he will answer my questions. I cannot make him tell me. However, it is interesting to get his position. As a courtesy to me, it seems, he should say that either tomorrow or the next day or the day after that he will be available for an hour or two hours to answer the questions. Again I say I cannot force him to do it.

However, now that I have the floor, I shall state some of the questions that I would have asked him. I will state only a few of them. For example, Mr. President, I would have asked the Sen-

ator from Utah whether in an ordinary cow-stealing case out in Utah, where it is the practice to have a six-man justice-court jury try such a case, whether a defendant is not entitled to know if jurors are prejudiced against him, and if they have been prejudiced against him, whether they have changed their minds. I would have called the Senator's attention to his ruling on page 30 of the report, I believe it is, when we were discussing Senator JOHNSON of Colorado, for whom I have always had the highest regard. I may say, I was surprised at the statement he was quoted as having made, to the effect that most of his colleagues on both sides of the aisle in the Senate were very pleased over recent developments with reference to McCARTHY. He referred specifically to Senator FLANDERS' charges.

I wanted to call attention to the fact that I asked the chairman to let me ask Senator JOHNSON of Colorado whether he still held the same feeling and whether he was still happy about Senator FLANDERS' charges, on which he was sitting in judgment.

I also wanted to ask about the question of loathing. Senator JOHNSON of Colorado was quoted as saying that all the Democratic leaders loathed McCARTHY.

He is entitled, certainly, to loathe McCARTHY. He wrote me a letter, and in it he gave his reasons for loathing me. He said it was because I had attacked the Democratic Party and that I had labeled the Democratic Party as the party of Communists. The Senator's letter failed to say that I had pointed out that many Democrats were just as anti-Communist as perhaps millions of Americans who have voted the Republican ticket, and just as anti-Communist and just as loyal as Republicans.

I felt at that time that I was entitled to question Senator JOHNSON of Colorado as to whether he still had that feeling of loathing. I was going to call Senator WATKINS' attention to page 38 of the hearing, where it is shown I asked the following question:

Senator McCARTHY. Mr. Chairman, I would like to ask one question. Are we entitled to know whether or not the quotations of March 12 are correct or incorrect?

Those are the quotations in which Senator JOHNSON said the Democratic leaders loathed me and they were happy about the Flanders attack. I was going to read Senator WATKINS the answers. Senator WATKINS said:

The CHAIRMAN. You may get it, Senator, and I am going to rule on this, and I have already ruled, you may get that some other place.

That was said when Senator JOHNSON of Colorado was present. That is a very important point.

The chairman went on to say:

But this committee has no jurisdiction over those matters, whatsoever. This committee was appointed by the Senate; the only condition laid down was that there would be 3 Democrats and 3 Republicans, and here we are, 3 Republicans and 3 Democrats, and this committee is not going to take on the job of the Senate and going to decide whether this committee is a proper committee or not.

I was going to call Senator WATKINS' attention to the fact that when the Senate suggested 3 Republicans and 3 Democrats, it was inherent in the resolution that 3 impartial Senators from both sides of the aisle be appointed.

Again I say I do not blame ED JOHNSON for not being impartial. I know he has good reasons in his mind for the loathing which he expressed. However, I was going to ask Senator WATKINS to let me merely ask Senator JOHNSON of Colorado whether he was correctly quoted. This is what I said:

Senator McCARTHY. Mr. Chairman——

The CHAIRMAN. Just a moment, Senator. You have filed no challenge; and, in the first place, I believe it is improper for you to do so, because we have not any jurisdiction.

Then I said:

Senator McCARTHY, Mr. Chairman, I should be entitled to know whether or not——

The chairman pounded his gavel and he said:

The CHAIRMAN. The Senator is out of order.

Again I said:

Senator McCARTHY. Can't I get Mr. JOHNSON to tell me——

Again he pounded the gavel. He said:

The CHAIRMAN. The Senator is out of order.

Then I completed my sentence:

Senator McCARTHY. Whether it is true or false?

The chairman again pounded his gavel and said:

The CHAIRMAN. The Senator is out of order. You can go to the Senator in question and find out.

I may say that Senator JOHNSON of Colorado was sitting right there in the hearing room.

The chairman continued:

That is not for this committee to consider. We are not going to be interrupted by these diversions and side lines. We are going straight down the line.

Then he pounded his gavel and said:

The committee will be in recess.

I was going to ask the Senator from Utah about the rulings he made at page 42 of the hearings, when my counsel, Mr. Williams, asked that we be entitled to put in the record our position on this point, so that the Senate could have it before it. We did not ask the chairman to rule in our favor; we merely asked to put our legal position in the record on the question of prejudice on the part of members of the committee. The chairman ruled against us. Later he said he would take it under consideration, but he never allowed us to put it in.

I was going to ask the Senator from Utah also about the record which he had before him. I hold a copy of it in my hand. It is item No. 78, which showed that Senator GILLETTE, who is in the Chamber—if I am wrong he can correct me—had ordered a mail cover on my mail.

I was going to ask the Senator from Utah whether he knew that it was illegal to put a mail cover on my mail, and whether he knew that a mail cover is provided for under Federal law only in the case of the apprehension of a fugitive from justice and in certain cases of subversion, which is allowed to be made only by the FBI, the Office of Naval Intelligence, the Office of Army Intelligence, and certain other executive agencies, but that it is illegal for any committee to put a mail cover on a Senator's mail.

I was going to ask the Senator whether he knew such a mail cover was put on after the investigation had been practically completed and after some 17 months, and that there was put on my mail and on the mail at the homes of my office staff such a cover during the campaign of 1952. I was going to ask the Senator from Utah whether he thought there might possibly be some justification for criticizing the Gillette committee because of this clearly illegal action on their part.

I was going to ask him about an item in the resolution which is clearly in error. He asks that I be censured for having released executive hearings. I was going to ask him if he did not have in the record presented to him a telegram sent to all Senators seeking permission to release the executive-session hearings.

I was going to read that telegram. The copy which I have here happens to have been sent to the Senator from Washington [Mr. JACKSON], but all Senators received a copy. It reads as follows:

In view of the fact that there has been raised a serious question as to what the testimony in the General Zwicker case shows, plus the fact that a number of Senators, the Secretary of the Army, and the general himself had indicated a desire to have this testimony made public, I am therefore authorizing the official recorder to make available to the public at 12 noon February 22, the testimony of General Zwicker taken at New York City February 10, unless objected to by the subcommittee members. If you have any objection and encounter difficulty in reaching me, please notify the recorder, Harold Alderson, 306 Ninth Street NW., Washington, D. C. Copies have been ordered delivered to the offices of all the subcommittee members at the earliest possible moment.

That telegram was signed "JOE McCARTHY, chairman of the Senate Permanent Subcommittee."

I was going to ask the Senator from Utah why, in view of the fact that the subcommittee made the decision to release the executive-session testimony, he himself requested that I be censured for having released the executive-session hearings.

I was going to ask him—and this is something which I should like to have the other members of the committee answer during the course of their presentation of this case—why on page 30 we find a new rule suggested. I invite the attention of all the members of the committee to this, because it is of the utmost importance. In my opinion, it is an unheard of rule we are asked to make. McCARTHY is completely unimportant, insofar as this is concerned. This is a question of a rule for the Senate. First,

it goes on to say that a Senator can criticize a committee, and now I quote:

But he has no right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their personal character for what official action they took.

If the rules and procedures were otherwise, no Senator could have freedom of action to perform his assigned committee duties. If a Senator must first give consideration to whether an official action can be wantonly impugned by a colleague, as having been motivated by a lack of the very qualities and capacities every Senator is presumed to have, the processes of the Senate will be destroyed.

I was going to ask the Senator from Utah about the extent to which the members of the committee discussed this new and fantastic rule which says that not one of the Members of the Senate can criticize an individual member of a committee because, in effect, it might intimidate him.

I was going to ask the chairman of the committee whether he felt that if that rule applied to me, then when the Senator from Vermont [Mr. FLANDERS], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oregon [Mr. MORSE], and other Senators rose on the floor of the Senate and criticized my activities, not merely as a member of a committee, but as chairman of a committee, a different rule applied, and why they were applying one rule to the other 95 Senators and another rule to me. I freely agree that any Senator should have complete freedom to criticize me if, as, when, and where he pleases. So far as I am concerned, let me say that if the Senate adopts this fantastic rule—and I hope it will not—I shall think of my oath of office as towering over and far above this rule. Under our oath of office we are required to disclose any corruption, any graft, any treason, and there is no rule that the Watkins committee can recommend that would nullify the oath which we take.

Mr. President, I was going to ask the Senator from Utah by what tortured reasoning he says, on page 30 of the report, that no member of a committee except McCARTHY can be criticized. It is unusual. I wonder if the other members of the committee signed it without reading it. I cannot conceive of six normal men saying, "We will shackle the Senate for all time to come. There will be an iron curtain drawn before the activities of members of a committee."

Let us assume, for example, that a member of a committee is even as bad as is McCARTHY; let us assume he is as bad as I am. He could not be criticized if this rule were adopted.

I intended to ask the Senator from Utah about that, and about many other things. If and when he takes the floor again, as I hope he will, I shall have a great number of questions to ask him as chairman of the committee. When he assumed that duty he knew he had to present the case on the floor of the Senate. He knew he would be questioned about it. I certainly hope the able Senator from Utah will not now run out on that duty, because I am entitled, before we present our case, to know his position on some of the flagrant contradictions in the record.

Mr. BUTLER obtained the floor.

Mr. WELKER. Mr. President, will the Senator from Maryland yield?

Mr. BUTLER. I yield.

Mr. WELKER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Maryland yield for that purpose?

Mr. BUTLER. Yes, Mr. President, provided I shall not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Flanders	Martin
Aiken	Frear	McCarthy
Anderson	Fulbright	McClellan
Barrett	Gillette	Monroney
Beall	Goldwater	Morse
Bennett	Gore	Mundt
Bricker	Green	Murray
Bridges	Hayden	Neely
Brown	Hendrickson	Pastore
Bush	Hennings	Payne
Butler	Hickenlooper	Potter
Byrd	Hill	Purtell
Capehart	Holland	Robertson
Carlson	Hruska	Russell
Case	Humphrey	Saltonstall
Chavez	Jackson	Schoeppel
Clements	Johnson, Colo.	Smith, Maine
Cooper	Johnson, Tex.	Smith, N. J.
Cotton	Johnston, S. C.	Sparkman
Crippa	Kefauver	Stennis
Daniel, S. C.	Kilgore	Symington
Dirksen	Knowland	Thye
Douglas	Kuchel	Watkins
Duff	Langer	Welker
Dworshak	Lehman	Wiley
Eastland	Lennon	Williams
Ellender	Magnuson	Young
Ervin	Malone	
Ferguson	Mansfield	

The PRESIDING OFFICER. A quorum is present.

SUBPENA OF SECRETARY OF THE SENATE IN CASE OF UNITED STATES OF AMERICA v. ROBERT M. HARRISS ET AL.

The PRESIDING OFFICER. The Chair lays before the Senate a communication to the Senate, and will ask the clerk to read it.

The legislative clerk read as follows:

UNITED STATES SENATE,
Washington, November 10, 1954.

The PRESIDENT OF THE SENATE.

SIR: I have received a subpena duces tecum from the District Court of the United States for the District of Columbia directed to me as Secretary of the Senate to appear before the said court on the 6th day of December 1954, at 9 o'clock a. m., as a witness in the case of the *United States* v. *Robert M. Harriss et al.* (No. 1212–49 Cr.) to bring with me record of my "office showing registrations and filings under section 308 of the Regulation of Lobbying Act by the following-named persons and corporations:

"Robert M. Harriss.
"Ralph W. Moore.
"Tom Linder.
"James E. McDonald.
"National Farm Committee, in the years 1946, 1947, and 1948."

Your attention and that of the Senate is respectfully invited to rule XXX of the Standing Rules of the Senate, which reads in part as follows:

"No memorial or other paper presented to the Senate * * * shall be withdrawn from its files except by order of the Senate."

The subpena in question is herewith attached and the matter is presented for such action as the Senate in its wisdom may see fit to take.

Respectfully yours,
J. MARK TRICE,
Secretary of the Senate.

Mr. KNOWLAND. Mr. President, at this point in the RECORD, immediately following the letter which has just been read, and as to which I have previously conferred with the minority leader, I ask to have printed the text of the subpena duces tecum.

There being no objection, the text of the subpena duces tecum was ordered to be printed in the RECORD, as follows:

SUBPENA TO PRODUCE DOCUMENT OR OBJECT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(*United States of America* v. *Robert M. Harriss et al.* No. 1212–49 Cr.)

To J. MARK TRICE,
Secretary of the United States Senate, Capitol Building, Washington, D. C.:

You are hereby commanded to appear in the United States District Court for the District of Columbia in the city of Washington, D. C., on the 6th day of December 1954 at 9 o'clock a. m., to testify in the case of *United States* v. *Robert M. Harriss et al.* and bring with you record of your office showing registrations and filings under section 308 of the Regulation of Lobbying Act by the following-named persons and corporations:

Robert M. Harriss.
Ralph W. Moore.
Tom Linder.
James E. McDonald.
National Farm Committee, in the years 1946, 1947, and 1948.

This subpena is issued upon application of the attorney for the United States.

LEO A. ROVER,
United States Attorney.
EDWARD O. FENNELL,
Assistant United States Attorney.
FLOYD J. MATTICE,
Trial Staff, Justice.
HARRY M. HULL,
Clerk.
By JOHN R. HESS,
Deputy Clerk.

NOVEMBER 8, 1954.

Mr. KNOWLAND. Mr. President, I now submit a resolution for the information of the Senate, ask that it be read by the clerk, and I shall then ask for its immediate consideration. The resolution is being submitted on behalf of the majority leader and the minority leader, in conformity with the custom of the Senate.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk (Emery L. Frazier) read the resolution (S. Res. 328), as follows:

Whereas in the case of the *United States* v. *Robert M. Harriss et al.* (No. 1212–49 Cr.), pending in the District Court of the United States for the District of Columbia, subpena duces tecum was issued upon application of Leo A. Rover, United States attorney, et al., and addressed to J. Mark Trice, Secretary of the Senate, directing him to appear as a witness before the said court on the 6th day of December, 1954, at 9 o'clock a. m., and to bring with him certain papers in the possession and under the control of the Senate: Therefore be it

Resolved, That by the privileges of the Senate no evidence of a documentary character under the control and in the possession of the Senate can, by the mandate of process

of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the Senate is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That J. Mark Trice, Secretary of the Senate, be authorized to appear at the place and before the court named in the subpena duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in his possession as Secretary of the Senate; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding, and then always at any place under the orders and control of the Senate, and take copies of any documents or papers in possession or control of said Secretary that the court has found to be material and relevant, except minutes and transcripts of executive sessions, and any evidence of witnesses in respect thereto which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Secretary shall not be disturbed, or the same shall not be removed from their file or custody under said Secretary; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

Mr. KNOWLAND. Mr. President, I now ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 328) was considered and agreed to.

VISIT TO THE SENATE BY MEMBERS, ADVISERS, AND CONSULTANTS OF THE PHILIPPINE ECONOMIC MISSION TO THE UNITED STATES

Mr. SMITH of New Jersey. Mr. President, we are greatly honored to have as visitors to the Senate today the members, advisers, and consultants of the Philippine Economic Mission to the United States. The mission is composed of members of the Philippine Senate and the Philippine House of Representatives.

The distinguished junior Senator from Montana [Mr. MANSFIELD] and I had the great privilege of being in Manila this year with a group headed by Secretary of State Dulles to negotiate the so-called SEATO treaty, and I now call attention to the fact that these distinguished visitors from the Philippines are in the Chamber. I shall ask them to rise, and my distinguished colleague, the Senator from Montana, will read their names to the Senate.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, we are honored to have with us today the members, advisers, and consultants of the Philippine Economic Mission to the United States, comprised of a number of outstanding members of the Philippine Senate and the Philippine House of Representatives. In this group are the following:

Senator Jose P. Laurel, chairman, Economic Mission, and chairman, Senate Committee on Judiciary.

Senator Gil Puyat, member, and chairman, Committee on Finance.

Senator Francisco A. Delgado, member, and chairman, Committee on Foreign Relations, and a former colleague in the House.

Senator Lorenzo Sumulong, member, and chairman, Committee on Codes and Constitutional Amendments.

Senator Quintin Paredes, member, minority floor leader, and also a former colleague in the House.

Senator Lorenzo Tanada, member; chairman, Committee on Banks, Corporations, and Franchises; chairman, Committee on Investigations.

Governor Miguel Cuaderno, Sr., member, and governor, Central Bank of the Philippines.

Congressman Godofredo P. Ramos, member; chairman, Committee on Ways and Means; vice chairman, Committee on Foreign Relations.

Congressman Diosdado Macapagal, member; member, Committtee on Appropriations; member, Committee on Commerce and Industry.

Congressman Jose Roy, member, and chairman, Committee on Economic Planning.

Minister Caesar Z. Lanuza, member, and executive secretary; minister-counselor, Department of Foreign Affairs.

Antonio de las Alas, Esq., member, and member, Monetary Board.

Hon. Raul Leuterio, Philippine Minister.

In behalf of the distinguished Senator from New Jersey [Mr. SMITH] and myself, who served as delegates to the Manila Conference, I may say that it was an honor and a privilege to attend the conference. We were very much impressed with the aptitude and maturity shown by the Philippine Government, and by the delegates representing that Government at the conference.

We are delighted that these gentlemen, representing a nation which is a partner of ours in the free world, are here with us this afternoon. We sincerely hope that this visit is only one of many which will be made in the future, because we desire to show our appreciation to them, just as they have shown their appreciation to us down through the years.

Mr. KNOWLAND. Mr. President, speaking as majority leader of the Senate, on behalf of the Members on this side of the aisle, and I am sure I speak on behalf of all the Members of the Senate, I wish to extend a welcome to our distinguished friends from the Republic of the Philippines, with which this Nation and the American people have had close ties over many years.

The people of the United States, the Members of the Congress, and the Government of the United States, look upon our great neighbor across the Pacific, the Republic of the Philippines, as one of the showcases of the free world in that great area of Asia. We have a common interest. We are tied together in mutual security pacts. However, even without any such agreements, I feel there is a close and a kindred spirit between the people of this country and the people of the Philippines. [Applause.]

Mr. WILEY. Mr. President, I join in the sentiments expressed in the remarks which have just been made, and I deem it a privilege to say a few words to this distinguished group from the Philippines.

As the Senator from California has said, it is true that through the years, the people of the Philippines and those of the United States have been very close in the common problem of seeking to preserve freedom in the Far East.

It was my privilege to break bread with these distinguished legislators from the Philippines, and at that time I expressed to them personally my feeling of gratification in welcoming them on the occasion of their visit to the United States.

Mr. WELKER. Mr. President, I should like to ask the distinguished majority leader if we cannot recess for 5 or 10 minutes, in order that Senators may have an opportunity to meet our distinguished guests.

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, in order to give Senators an opportunity to meet personally our distinguished visitors from the Philippines.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate took a recess, subject to the call of the Chair.

At 2 o'clock and 10 minutes p. m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BUSH in the chair).

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. BUTLER. Mr. President, I have at least two reasons for seeking the floor at this early hour. First, if voting on the pending order of business were to take place today, I would want the RECORD to show why I voted as I did. Second, I believe that before we proceed much further with the matter at hand, we should ask ourselves certain fundamental or basic questions.

Perhaps I am not being fair in assuming that most of us have failed to consider certain aspects or facets of the motion to censure the junior Senator from Wisconsin [Mr. MCCARTHY]. For all I know, each Senator might well have asked and answered to his own satisfaction the various questions which have been disturbing me. If so, I ask indulgence. I assure Senators that to the best of my ability, I shall be brief in my remarks.

Probably as good a place to start as any is with the suggestion that it might be appropriate for each of us to inquire what it is that the Senate stands to lose if the pending matter is pursued to what some might call "its logical conclusion."

I have asked myself, "What are the costs, risks, disadvantages, and inequities which might accrue if we continue on our present course?"

First, I concluded that unless we took great pains to limit and qualify, and even to repudiate, certain things which the select committee has said in its report, we would find ourselves—and what is probably even more important, those who are elected to the Senate after us would find themselves—saddled with a binding code of "approved" senatorial conduct. Some have referred to it as a "code of conduct unbecoming United States Senators." Some have referred to it as a "code of senatorial etiquette."

However, I do not think it matters much what we call this code. The important point to realize is that, whether we like it or not, we are, in fact, busily engaged in setting it up. In a moment, I shall refer to certain things said by the select committee in its report which led me to this unhappy conclusion.

But before I do, let me state my assumption that if, prior to the inception of the matter now under consideration, any Senator had proposed that we agree upon and publish a conduct code, we would have thought his suggestion childish, at best, and, more likely, just plain ridiculous. I do not for a moment contend that any Member of this body has been foolish enough to make such a proposal. What I do say is that I assume all of us are agreed that unless the most dire circumstances demand it, it would be unnecessary, unwise, and, indeed, degrading for the Senate to attempt to set up any such code. I think it is also fair to assume that if none of us favor the establishment of such a code by direct or express means, we would oppose with equal vigor any attempt to set it up by indirect or inferential procedures.

In turning to the report of the select committee, let me say that I have read it very carefully, several times. I have given it a great deal of thought. I have not discussed it with the junior Senator from Wisconsin or any of the members of the select committee, nor have I discussed with them what I intend to say here today.

Before taking up specific points raised by the report, allow me also to express my opinion as to the competency and fairness of the men who served on the select committee. Frankly, I am convinced that the committee was very well and carefully chosen. All of its members are able, industrious, highly respected Senators. I find no fault whatsoever with the composition of the committee.

I say this, feeling that it is probable that one or more of its members, at one time or another, prior to being appointed to the committee, had formed favorable or unfavorable opinions or impressions of the junior Senator from Wisconsin [Mr. McCARTHY]. Indeed, being the spectacular and well-known Senator that he is, I doubt that there are any of us who are completely impartial, unbiased, or objective about him. However, I am confident that the Senators who were selected—or perhaps "conscripted" is a better word—to serve on this committee, are men who recognized and properly discharged their obligations to think and act fairly in carrying out their difficult task.

Although the select committee appears to have been properly constituted, that is not to say it had no difficulties with which to contend. Indeed, two serious handicaps under which it labored become crystal clear within the first few pages of the report.

The first handicap—and I am sure the more serious one—to the committee was the admitted lack of precedent. On page 2, paragraph 8, the committee in setting forth its purposes, states:

> In beginning its duties, the committee found few precedents to serve as a guide.

The committee's second handicap was the strict limitation of time it had in which to perform its task. This is referred to in the next paragraph, where the committee says:

> Obviously, with all this in mind, the committee had good reason for concluding it faced an unprecedented situation which would require adoption of procedures, all within the authority granted it in the Senate order, that would enable it to perform the duties assigned within the limited time given by the Senate.

Lest there be any misunderstanding, let me explain why I emphasize the fact that there, at the threshold, the committee apparently recognized that it was seriously handicapped by the time limitation and the lack of precedent. I do not refer to this as a blanket indictment, or an all-out attack upon the report. I do it only as a preface or introduction to certain questions which I think the report raises, but fails to answer. I do it to emphasize my conviction that if the select committee had had more time and had had more precedents to follow, it would not have said some of the things it said. In fact, I am sure the members of the select committee would be the last ones to contend that their report is letter perfect and immune from constructive criticism.

On page 22 of the report, in the second paragraph, under the heading, "The Senate Has the Power To Censure a Senator for Conduct Occurring During His Prior Term as Senator," the committee states:

> It seems clear that if a Senator should be guilty of reprehensible conduct unconnected with his official duties and position, but which conduct brings the Senate into disrepute, the Senate has the power to censure. The power to censure must be independent, therefore, of the power to punish for contempt.

In my judgment, the select committee has thus laid down the principle that Senators may be censured even though their conduct is not in contempt of the Senate, if their conduct brings the Senate into disrepute. Does the Senate wish to establish such a principle?

Is it necessary for us now to decree that Senators must not only refrain from conduct which is in contempt of the Senate, but, even further, refrain from conduct which, while not contemptuous, might be so spectacular as to be advertised or propagandized to such an extent as to bring the Senate unduly into the Kleig lights of publicity and, therefore, into disrepute?

I, for one, do not desire to participate in the establishment of such a principle. In my opinion, the accomplishment of the Senate's present purpose is in no way dependent upon the establishment of that principle.

On page 27 of the report, the committee, in paragraph 6, says:

> It is the opinion of the select committee that when the personal honor and official conduct of a Senator of the United States are in question before a duly constituted committee of the Senate, the Senator involved owes a duty to himself, his State, and to the Senate, to appear promptly and cooperate fully when called by a Senate committee charged with the responsibility of inquiry.

Do we wish to establish a precedent that Senators, upon pain of censure, must voluntarily appear promptly before and cooperate fully with Senate committees conducting investigations of Senators themselves, especially when even the minimum right of cross examination is denied them? Further than that, I ask whether it is necessary for us to set up any such rule in order to accomplish that which we believe to be the will of the majority.

I am convinced that we do not wish to establish such a precedent. I am equally confident that it is not necessary for us to do so. Moreover, I believe it would be unwise in the extreme. For one thing, until a committee investigating a Senator subpenas him and he refuses to honor the subpena, censure certainly seems premature.

Nor is there any reason for us to fear that the Senate will function improperly if censure is not made available for use against Senators who refuse to appear without subpenas. Courts frequently resolve disputed issues against contestants who have control over or possession of decisive information but who refuse to produce it for the court's consideration. If necessary, the Senate can do likewise.

Please do not misunderstand me. I do not mean to say that the letters which Senator McCARTHY wrote to the Subcommittee on Privileges and Elections are letters which I would have written. I do not mean to say that I applaud him for his refusal to appear promptly and cooperate fully with that subcommittee.

What I do say is that we should all give serious consideration to the possibility that in setting up this "appear promptly and cooperate fully" principle, the select committee's remedy or cure might be worse than the ailment itself.

I repeat I am convinced that it is neither wise nor necessary for us to establish such a principle in order to accomplish the Senate's purpose.

On page 30 of the report, in the first paragraph, the select committee lays down a principle both new and disturbing to me. In no uncertain terms the committee states that while a Senator has the right to question, criticize, differ from, or condemn an official action of the Senate or of its committee, he has no right to "impugn the motives of indi-

vidual Senators responsible for official action, nor to reflect upon their personal character for what official action they took."

If we permit this laudable principle of etiquette to become an inflexible mandate governing the utterances of United States Senators, we will change drastically the nature of this body. In addition to the fact that the right of the minority hereafter might thus be at the mercy of the majority, in my opinion an era of sterility could well set in. During this new era, it is probably true that what is said by Senators will hurt fewer feelings than ever before. However, I fear that Senators might well become more concerned with what they should not say than with what they ought to be doing and saying.

Accordingly, it could serve a useful purpose to inquire whether it is either necessary or wise to rule that Senators have "no right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their personal characters for what official action they took." In my opinion, if that principle is put into effect, the Senate and the people will stand to lose much more than they gain.

I say this even though I realize that Senate standing rule XIX, governing debate on the floor, provides in part that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I need not, and do not attack that debate-governing rule in any way. It is obviously one thing for us to govern or regulate our formal debate here on the Senate floor by employing express and rigid rules. It is quite another for us to set up similar formalistic mandates governing our speech and writings while off the floor of the Senate.

If Senators disagree, I ask them whether they are prepared now to establish and abide by the principle that Senators may not impugn the motives of fellow Senators, in the privacy of their own homes, in the company of a group of friends, in our cloakrooms, and in the heat of a political campaign. Unless they are, we must qualify or reject the select committee's sweeping conclusion that Senators, under pain of censure, may not impugn the motives of other Senators.

If a Senator, while engaged in debate on the floor, impugns the motives of a fellow Senator, the Presiding Officer or any Senator, under standing rule XIX, can call him to order, thereby requiring him to sit down. But, even there, armed with this express prohibitive rule, no Senator has ever been censured for its violation.

How then, in good conscience, can we censure a Senator who has violated no such rule? It seems to me that we cannot, unless we resort to some sort of an ex post facto proceeding by which we establish a new rule to cover activities off the floor, and then enforce it much more rigorously than we have ever enforced standing rule XIX.

These are a few of the new precedents or principles which the report seeks to make retroactive. Unless they serve essential purposes we most certainly should reject them.

However, if the majority feels that the Senate's purpose can be achieved only by sweeping statements, then I submit that they should be reexamined and appropriately limited or qualified so as to do no more than the situation at hand requires.

I recognize that it might be argued that establishing precedents by the censure procedure is nothing new, and therefore nothing from which we should shy away. It is true that twice before in our history, the Senate, in order to reprimand three Senators, has employed the censure procedure, and in so doing has laid down certain principles of conduct.

In the first case, involving Senators McLaurin and Tillman, the narrow or limited principle established was that Senators who engage in fisticuffs on the Senate floor become subject to censure. In the second, involving Senator Bingham, the rule enunciated was that Senators who bring uninvited, interested private parties, unannounced, into executive sessions of Senate committees are subject to censure.

Let us assume, for the sake of argument, that the censure procedure served some necessary and useful purpose in those previous instances. Indeed, it might be understandable for the Senate to proclaim or decree that Senators should be reprimanded for fighting on the floor of the Senate, or for bringing uninvited, interested private parties, unannounced, into executive sessions. But whoever thought that by this simple procedure we would set about to establish a detailed code of conduct unbecoming United States Senators?

It seems to me there are at least two other matters each of us should consider while contemplating the disadvantages, costs, risks, and inequities of that which we are doing.

In the first place, I doubt that there are any Senators who want to see Communists, or other subversives, benefit in any way from our present order of business. Therefore, I submit that when considering the so-called Zwicker incident we should exercise utmost care to see that nothing is said which will aid subversives, or deter, or devitalize the Senate committees charged with the responsibility of combatting, exposing, and ferreting them out.

Perhaps when dealing with the Zwicker incident the select committee means to recommend only that, limited to the precise facts of that situation, and no others, Senator McCarthy should be censured for saying that General Zwicker was not fit to wear the uniform. However, in order to avoid establishing any rule or principle which Communist lawyers can hurl back at committees, it seems to me that the report might have devoted some space to recognizing the fact that Senators assigned to antisubversive committees come in for more abuse, more attack, more avoidance, more recalcitrance, more arguments, more arrogance, more insults, and more downright perjury than Senators who serve on, shall we say, "less controversial committees." I would have thought that the report also might have devoted some space to recognizing the principle that under many sets of circumstances Senators should be excused if they lose some of their usual patience. Unless the report is appropriately modified, I fear that subversives will have real cause to celebrate. Certainly, the members of the select committee did not intend to create such a situation.

I now come to one of the most disturbing things about the pending order of business. I have been wondering how many of us have asked ourselves what effect our votes on censure will have upon our own political futures. I feel sure that most of us have given it some thought. Frankly, it is disturbing to think that some votes may be cast the way they go primarily because of political considerations.

I think Senators will agree that on this politically explosive matter before us, we, as a group of judges, fall far short of the objective, impartial, unbiased standard all judges should meet. I think Senators will also agree that judges who stand to gain or lose, depending on how they decide the case, do not make the best judges.

I do not imply that we cannot judge fairly because some of us have considered the political effect of our votes. If we carried that line of reasoning too far we would probably have to disqualify most Senators, and then we could never censure or expel when the matter under consideration was of political significance. Perhaps all I am trying to say on this self-searching point comes down to something like this: Because most of us have considered not only the rights of the accused and the good of the Senate, but also how our votes will affect our own political futures, let us recognize that we are not quite as impartial and objective about this matter as we wish we were. Accordingly, in good conscience, let us not volunteer or rush blindly in to sit in the judgment seat, unless it is absolutely necessary that we do so in order to accomplish the Senate's purpose.

If this point bothers Senators, as much as it did me, I do not think you will find much consolation in the fact that there have been other censure proceedings. Bear in mind that none of them had anywhere near the political significance attributed to the case at hand.

But—and this I want to repeat—I am not suggesting that any of us are ineligible to sit in judgment on the pending order of business. I am only reminding Senators that here is another good reason to reexamine that which we are doing.

I told Senators at the beginning of these remarks that one reason I wanted to speak was that if I were called on to vote on this matter tomorrow, I would want the record to show why I voted as I did. Ordinarily, if parliamentary procedures are well suited to the matter under consideration, it is not necessary to explain one's vote. But, when those

procedures are vague, ambiguous, subject to misconstruction, and inappropriate to the task at hand, it frequently becomes necessary to speak out, lest one's vote be misunderstood.

In my opinion, if any Senator votes against censure without explaining why, his vote will be interpreted by a great many people in this country as constituting approval of everything Senator McCARTHY has ever said, written, or done. I know, and other Senators know, that many Senators who might wish to vote against censure—perhaps for some of the reasons I have raised in these remarks, perhaps for others—would not want their votes so construed.

On the other hand, if anyone votes for censure without explanation, many people will interpret it to be a vote against everything Senator McCARTHY has ever said, written, or done. I am sure that certain Senators who might vote for censure feel as I do, that Senator McCARTHY deserves much credit for alerting this country to the menace of communism. Indeed, many of his most severe critics concede this point. Accordingly, it seems to me that those who intend to vote for censure should speak out in fairness to all concerned, lest their votes be misconstrued.

Speaking for myself, I want the record to show that unless matters which might be developed hereafter, answer to my satisfaction the various questions I have said were bothering me, I intend to vote against censure. I intend to vote against censure even though I do not like Senator McCARTHY'S "living miracle" remark about Senator HENDRICKSON. According to my own personal standards, it was uncalled for and unkind. However, I am using my own personal standards as the judgment yardstick.

Nor do I approve of Senator McCARTHY'S statement to General Zwicker that the latter was not fit to wear his uniform. I doubt that I would have made any such statement to the General, even though the record indicates to me that he was far from cooperative.

And insofar as concerns the letters which Senator McCARTHY wrote to the Subcommittee on Privileges and Elections, it seems to me that he erred in the use of certain language, even though he might have had grounds for considering that the majority of that subcommittee was engaged in a political smear.

Have I left out anything insofar as explaining my own personal disapproval of certain things Senator McCARTHY said, and wrote, and did, and for which the select committee has recommended censure? Only one, perhaps; that is in the matter of whether I approve of his refusal to accept the invitation of the Elections Subcommittee to appear and fully cooperate. But, as Senators will recall, I previously said that, short of a subpena, I do not feel that Senators have a duty voluntarily to appear promptly and fully cooperate under such circumstances.

Of course, my disapproval of what Senator McCARTHY said about Senator HENDRICKSON, or to General Zwicker, or in his letters to the Privileges and Elections Subcommittee has been a private and personal thing with me, until this censure matter came up. I have never told Senator McCARTHY that I did not approve. The question might be, Was I obliged to? Did I owe the Senate, or the people a duty to try to persuade my fellow Senator to refrain from saying these things, from using this language?

To be frank, though, I never even asked myself whether I had such a duty. When I came here I believed, and I still do, that short of expelling a Member, it would be unwise and degrading for the Senate to require that its Members run about telling one another what they do not like about each other's manners, morals, social behavior, habits of speech, and the like.

In summation, let me reiterate my belief that when we sit in judgment of a fellow Senator, we must, if we can, put aside political considerations. Furthermore, if the Senate wishes to establish general rules governing the conduct of its Members, it certainly should not do so in an ex post facto fashion.

Permit me also to emphasize once again my deep conviction that a vote for censure will seriously jeopardize minority rights, now and in the future. In so doing, we most certainly will drastically alter the character of our Government.

In my opinion—and I want to close my remarks with this statement—"We are in danger of acting before we clearly know what we want, or comprehend the consequences of what we do—in danger of altering the character of the Government * * *." May I repeat these words of caution? "We are in danger of acting before we clearly know what we want, or comprehend the consequences of what we do—in danger of altering the character of the Government * * *."

I wish that I could take credit for this appropriate statement. However, I cannot. These are the words of a great President—Woodrow Wilson.

Mr. BENNETT. Mr. President, like many other Members of the Senate, I approach our present problem with a great feeling of inadequacy and the hope that when we are finished we will have dealt justly with the junior Senator from Wisconsin and, at the same time, preserved and enhanced the dignity of the Senate itself.

Speaking for myself, I hope that during these deliberations, I shall never forget why we are here, or lose sight of these objectives of justice and dignity. For me, it is important to remember that this session is basically different than any other in which I have participated. Our ordinary processes are legislative and, in the American pattern, are properly colored with considerations of partisanship, our individual political fortunes, and the advancement of the interests of the States we represent. By custom, under our great privilege of free speech, certain excesses and hyperboles are expected and accepted in the drama of debate.

But not so in the present situation. We are come now to sit almost as a court. Impartial judgment should replace partisanship. Impersonal issues should replace selfish, personal considerations and the search for truth and justice should replace any limited State or sectional interest. We are not here to pass judgment on a fellow Senator, but to try issues which involve a man whom we should impersonalize as Mr. X.

This is not going to be easy to do. We are so accustomed and habituated to the headier legislative atmosphere that it will be hard to maintain a judicial open-mindedness until the whole case has been considered. For a long time so many facets of the issues have been the theme of headlines, broadcasts, and campaign speeches, in which all of us have been more or less involved, that it will require a great mental and moral effort to strip away the appeal of the personalities and get down to the issues. If we seek justice rather than revenge or vindication, we must remember that true justice is blind and is no respecter of persons. To the extent we fail to achieve this attitude, to that extent will we fail our duty to the Senate. And if we are tempted willfully to refuse to purge ourselves of every motive other than justice, first contemplate the Saviour's wisdom given in the Sermon on the Mount—

> For with what judgment ye judge, ye shall be judged, and with what measure ye mete, it shall be measured to you again. (Matthew 7: 2.)

If the present issue is resolved on a level of partisanship or personalities, we will have raised an evil that will rise again and again to plague the Senate in the years ahead.

Mr. President, I digress at this point to express my appreciation to my colleague, the senior Senator from Maryland [Mr. BUTLER], for his masterful exposition of these reasons.

Of course, I know that the transformation of the Senate from a legislative to a judicial body is not complete. The issues arise out of actions under the legislative process. They were brought before us in the same way. A resolution was submitted and given a number, and, after typical floor debate, it was referred to a committee; and what we are met to hear is not an indictment, but a committee report.

Mr. WELKER. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I shall be happy to yield.

Mr. WELKER. Mr. President, we sit as a jury of citizens to try a fellow Senator. I notice eight Senators on the Democratic side of the aisle, and I notice vacancies on our own side of the aisle. The Senator's remarks are of great importance. Will the Senator permit me to suggest the absence of a quorum?

Mr. BENNETT. I am flattered by the suggestion, and I shall be happy to yield to the Senator from Idaho for that purpose, provided I shall not lose the floor.

The PRESIDING OFFICER. With the understanding that the Senator from Utah will not lose the floor, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Abel	Beall	Brown
Aiken	Bennett	Bush
Anderson	Bricker	Butler
Barrett	Bridges	Byrd

Capehart	Hendrickson	Morse
Carlson	Hennings	Mundt
Case	Hickenlooper	Murray
Chavez	Hill	Neely
Clements	Holland	Pastore
Cooper	Hruska	Payne
Cotton	Humphrey	Potter
Crippa	Jackson	Purtell
Daniel, S. C.	Johnson, Colo.	Robertson
Dirksen	Johnson, Tex.	Russell
Douglas	Johnston, S. C.	Saltonstall
Duff	Kefauver	Schoeppel
Dworshak	Kilgore	Smith, Maine
Eastland	Knowland	Smith, N. J.
Ellender	Kuchel	Sparkman
Ervin	Langer	Stennis
Ferguson	Lehman	Symington
Flanders	Lennon	Thye
Frear	Magnuson	Watkins
Fulbright	Malone	Welker
Gillette	Mansfield	Wiley
Goldwater	Martin	Williams
Gore	McCarthy	Young
Green	McClellan	
Hayden	Monroney	

The PRESIDING OFFICER (Mr. KUCHEL in the chair). A quorum is present.

The junior Senator from Utah [Mr. BENNETT] has the floor.

Mr. BENNETT. Mr. President, I appreciate the efforts of my friend, the junior Senator from Idaho [Mr. WELKER], to get me a larger jury; but as I survey the Chamber, I am afraid the quorum call had the opposite effect. On the other hand, I suppose it would be fairer to agree that the quorum call gave some of my colleagues an opportunity for escape from what may be a very dull presentation.

To me, there is a difference between an ordinary legislative committee and the committee whose report is before the Senate.

This committee was evenly divided—with no majority of the majority, and no Senator sought place on it. Seniority, that all-pervading measure, had no place in the selection of its members, and its decisions were not by majority, but by unanimity.

I hardly need to repeat that I am not a lawyer, but I think I see, in the relations of this committee to the Senate, much the same basic relation that exists between a grand jury and a trial court.

To this committee were referred all the issues raised in the earlier debate, and the committee assumed the task of winnowing out the chaff. It returned with a report that only 2 out of 40 or more charges were clear enough to warrant Senate action. And, as a court is limited to the issues certified by its grand jury, so I feel that we should voluntarily limit ourselves in this case. If we treat this as we treat other reports by a legislative committee, we will feel free to rake over all the rejected debris, and orderly judicial deliberation will disappear in a hurricane of heated controversy.

I agree with my colleague, the chairman of the select committee, the distinguished senior Senator from Utah [Mr. WATKINS], that this is not and must not become an adversary proceeding, but a search for truth. Nor must this search be made in an atmosphere supercharged with emotion, or colored by personal prejudices. That this is forbidden to a judge in a court of law has just been dramatically underscored by the Supreme Court in a case involving a judge in the District of Columbia.

There is another bit of wise counsel given in the Sermon on the Mount, which in the Senate is usually more honored in the breach than in the observance, but which has a profoundly important meaning for us in this situation.

But let your communication be, Yea, yea; and Nay, nay; for whatsoever is more than these cometh of evil. (Matthew 5: 37.)

In other words, we should be meeting as a court and if we fail to act in the judicial atmosphere, but choose to follow our usual legislative pattern of partisanship and personal predilection, we are bound to fail. Even if we arrived at the right decision, the wrong methods would provide damaging precedents for future problems.

Indeed, I think we would be in danger of committing the very offenses with which the junior Senator from Wisconsin has been charged—showing contempt for a Senate committee and abusing our power as Senators.

How could we show contempt for our committee?

First. By trying to challenge its fitness and authority.

Second. By trying to go behind their report, to open up again on the floor of the Senate all the issues which the committee, in its capacity of grand jury, felt were not worthy to be tried.

Third. By trying to confuse the reported issues with extraneous and irrelevant matters, including the overall problem of communism.

To me, this danger is clear. We gave this committee the task and the authority to clear away the chaos created by unimportant and unworthy material, so that only the basic issues would remain. I cannot see how we can recreate the chaos without at the same time expressing our contempt for our committee.

In the other affirmative phase of the report, the junior Senator from Wisconsin is charged with having abused a witness. If we approach this problem, not in a judicial calm, but in the heated passion of legislative debate, it will be a miracle if Senators who participate can avoid abusing each other. This is made so by the very nature of a censure resolution. If a Senator can be censured for abusing a witness how can he escape it if he abuses a colleague? Do we have a lower standard for dealing with each other than with the public? All of us have heard speeches on this floor that have sailed very close to the wind. Must we listen to more of them now on this problem? If we do, the Members of future Senates may well say of us—paraphrasing Hosea—"They have sown the wind—and we must reap the whirlwind."

Far behind all this there is another, and vastly more important, thing at stake, namely, the respect the people will have for the Senate, with all the connotations we can wrap up in the word "dignity." To all of us who are honored with the privilege of service in these halls, the institution that we call the Senate has become an intangible entity apart from its individual Members. In this sense, at least, it is a continuing body, one to which have been ascribed, through the years, all of the fine attributes of human character we know as dignity. Now, far and wide, we are told that this dignity is in danger, and that these proceedings are necessary to restore, maintain, and enhance it. If this be true, then to do this should be our goal, equal in importance, and unquestionably involved with our other goal, to do justice.

Because we, in a physical sense, are the Senate, we are equally so in a moral and spiritual sense. By our actions and attitude, we weaken or strengthen it in the eyes of all men everywhere.

To me, dignity is an inward, not an outward, grace. Being a spiritual manifestation of human virtues, it cannot be created consciously by men. Like sincerity, which is its attribute, it must be spontaneous. Like charity, it "vaunteth not itself"—I Corinthians, chapter 13, verse 4.

Like beauty, it lies in the eyes of the beholder.

Therefore dignity cannot be created by words, however facile. It is not an outward cloak to be put on for strutting, and particularly it is not a mantle of self-righteousness.

Moreover, the dignity of the Senate is not a physical thing, like a coin or a pencil, which can be misplaced and found again. We lose it when we move unworthily to these ends. We can restore it only by indirection when we ourselves demonstrate that we can rise to new heights of understanding in any important action, such as the one we are about to take.

How can we move in the present circumstances so that renewed respect for us will lead to a restored dignity in the Senate? How can we profit from our present predicament?

The ancient Hebrews had a ceremony which brought them a sense of satisfaction. We read about it briefly in the 16th chapter of Leviticus. It was the old institution from which our modern word "scapegoat" comes. Under it, a goat was selected, and onto his head were poured all the iniquities of the Children of Israel. The goat was then led away into the wilderness, carrying with him, they believed, all the sins of the people, giving them a fresh and sinless start for another year.

Can we restore the Senate's dignity by finding that we, too, have a scapegoat on whose head we can pile all our sins, to be carried by him into a modern wilderness of public condemnation? There are many people in the country who look upon these proceedings in that light.

Can we restore the dignity of the Senate by writing new rules? We glory in the fact that ours is the freest legislative body in the world. Any new rules we write can only limit and restrict that freedom. The trouble is not with our rules but with ourselves. We must look inward for the answer, facing the great truth that the letter killeth, but the spirit giveth life.

That the dignity of the Senate has been called in question should send every one of us to his own conscience, in the hope that, in the words of John the Baptist, we can find ourselves "meet for repentance"—Matthew, chapter 3, verse 8.

The following are my concern, for myself and all of us, as we proceed with the problem before us:

First. That we realize that this is not an ordinary legislative session, but a quasi-judicial one, and that we govern our deliberations by that basic thought.

Second. If we fail, we shall probably find ourselves committing, in spirit if not in detail, the same offenses against the select committee, and against each other, which we are met to hear against one Senator.

Third. If we fail, we shall, in all probability, further lower the dignity of the Senate rather than enhance it.

In the end our responsibility is individual and spiritual—a responsibility to ourselves and to the Senate. We cannot say, "There but for the grace of God go I," in the face of the reminder in the Epistle of John, "If we say we have no sin, we deceive ourselves—and the truth is not in us"—First John, chapter 1, verse 8.

For my final words I turn away from the Scriptures to the poets.

Kipling wrote in the Recessional:

> For frantic boast and foolish word,
> Thy mercy on Thy people, Lord!

And Shakespeare, through Lady Macbeth, said:

> If it were done when 'tis done, then 'twere well
> It were done quickly.

FURTHER ANNOUNCEMENT OF PROGRAM

Mr. KNOWLAND. Mr. President, after further consultations with the minority leader regarding the sessions of the Senate, and in keeping with the suggestions which were made earlier in the day, we shall plan on having regular sessions from 10 a. m. to 12 noon, and then taking a recess for an hour and one-half, for lunch, and resuming at 1:30 p. m. and continuing until 5:30. That arrangement will give Senators more time for the luncheon period, so there will not be any rush in finishing lunch. I think that will help the general deliberations of the Senate.

As previously announced, on tomorrow, Veterans' Day, formerly Armistice Day, the Senate will begin its session at 12 o'clock noon. On each day, we shall have the usual morning hour, under the 2-minute limitation, for the introduction of material into the RECORD. This week we shall not have a Saturday session. Next week we shall proceed under the new schedule, and shall see what progress we can make and how the situation works out. As we gain a little more experience in connection with this rather unprecedented proceeding, both the majority leader and the minority leader will be glad to have suggestions from Members on either side of the aisle. However, I feel it is advisable to lengthen the luncheon period. I believe that most Senators found it desirable to have ample time for lunch, rather than to have the Senate sessions proceed while a part of the membership of the Senate was at lunch, and was off the floor.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. CASE. Mr. President, I desire to submit a parliamentary inquiry. I do not request an immediate ruling on it, but the question is one which occurred to me just today. I have not discussed it with other members of the select committee, and I have not mentioned it to the junior Senator from Wisconsin [Mr. MCCARTHY] or to his counsel. However, I think it is a question which might be raised; and because it might be raised, it seems to me it should be studied a bit, perhaps by the Parliamentarian, and perhaps by the committee staff and the counsel for the junior Senator from Wisconsin. It might not be a real question, but there is a possibility of it.

In the brief which the counsel for the junior Senator from Wisconsin filed with the committee, he properly called attention to the fact that article I, section 5 of the Constitution of the United States states:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

Then, after brief comments, we find the following in the brief:

> The expulsion power clearly has no relation to "qualifications" in the constitutional sense.

At a later point in the brief we find the following:

> It is recognized that the censure power is derived solely from the power to punish for disorderly behavior which is conferred by article I, section 5, of the Constitution.

Mr. President, one of the questions which bothered the committee a bit, and which was under consideration in the committee, was whether the Senate was a continuing body, and whether in dealing with matters which occurred prior to the organization of the 83d Congress, the committee had appropriate jurisdiction. It will be noted and, I think, recognized by all Members of the Senate that the first count on which censure is proposed deals largely with events which transpired prior to January 3, 1953; and I assume that point will receive some attention during this debate.

It is the contention of the committee that the Senate is a continuing body. The precedents and findings and other data on that point probably will be referred to during the debate.

In my own mind, however, I recall that at the time when the 83d Congress convened and when the Senate assembled, on the 3d of January 1953, there was some discussion between the late and very great and lamented majority leader, Senator Taft, of Ohio, and the Vice President on the question of whether Members who were sworn in were sworn in without prejudice to the consideration of matters relating to their conduct or to their election, prior to that date.

A little earlier today I asked for the RECORD for January 3, 1953. In reading it, I come upon a phrase used at the time by Senator Taft, and that phrase is the occasion for this inquiry. I think the answer to my question may not change what everyone has assumed, but I thought the question should be raised at this time. I shall read from the RECORD for January 3, 1953. At that time the Vice President had asked that the Secretary call the roll, alphabetically, of the Members, and so forth. Then, following the calling of the names of certain Senators, the following occurred:

> Mr. TAFT. Mr. President, with reference to the seating of the Senator from New Mexico [Mr. CHAVEZ], there has been filed with the Secretary of the Senate a contest, or a letter proposing a contest, which letter I have not seen. It relates to the election in New Mexico. Other protests may be filed. I understand that a protest has been filed with respect to the seating of the Senator from North Dakota [Mr. LANGER].
>
> My own view is that these Senators should be permitted to take the oath and be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest, and without prejudice to the right of anyone protesting or asking for expulsion from the Senate to proceed. I believe that the various protests which have been filed should be referred to the appropriate committee and dealt with in due course.
>
> Therefore, I ask that these Senators be allowed to take the oath, as I have said, without prejudice. I understand that such would be the case anyway, regardless of any statement which I might make. I should object to any effort to prevent their taking the oath today.
>
> Mr. MORSE. Mr. President, a parliamentary inquiry.
>
> The VICE PRESIDENT. The Senator will state it.
>
> Mr. MORSE. Will it be understood that after they take the oath they will not be denied in any way whatsoever their prerogatives in the Senate, including the right to assignment to committees, and all other rights and prerogatives as Senators?
>
> Mr. TAFT. That is my understanding. They will have every right to vote, and every other right as Senators unless some action is taken by the Senate itself to change their status.
>
> The VICE PRESIDENT. No statement on the part of any Senator is necessary. If a Senator-elect takes the oath, he becomes a Senator and remains a Senator unless he is relieved of his duties by some action of the Senate.
>
> The Chair will take advantage of the situation to state that there is a great deal of confusion with respect to the question of seating Senators against whom some objection may be registered. When there is a contest over the election of a Senator, the Senate may determine that question by majority vote. If the Senate finds that he has not been duly elected, the Senate may, by majority vote, so declare. If the Senate finds that he is not qualified as a Senator, the Senate may, by majority vote, declare the seat vacant. All the rights of the Senate are preserved.
>
> Mr. TAFT. Will the Chair——
>
> The VICE PRESIDENT. When an effort is made to expel a Senator who has taken the oath, because of some misconduct on his part, some malfeasance or misfeasance in office, involving his conduct as a Senator, a two-thirds vote is required to expel him. That has nothing to do with the validity of his election. It has to do with his conduct as a Senator after he is sworn in.
>
> Mr. TAFT. Mr. President, with due respect to the distinguished President of the Senate, I wish to register an objection to his second statement as to the vote required to oust a Senator with respect to whom objection is made because of lack of qualifications—say,

with respect to character—and also as to the distinction between a majority vote and a two-thirds vote which the distinguished Presiding Officer suggests, depending upon whether the misconduct occurs before or after a person becomes a Senator. I think that question is open to debate. I do not wish to debate it at the present time. I merely wish to reserve the right to have that question raised later and determined by the Senate itself.

In the first Langer case, as I remember, it was decided by the Senate itself that a two-thirds vote was required. The Senate decided, by a majority vote, that a two-thirds vote was required in that case, which related to action taken largely before Mr. LANGER became a Senator. I think that question ought to be left open. I do not wish to argue with the Chair. I simply wish to reserve the right to present a different argument at a later time.

To my knowledge, Senator Taft did not resume the argument or present the matter later.

I recognize that the constitutional provision suggests a two-thirds vote in the case of expulsion, and it may have been that that was what Senator Taft had in mind at that time. But since the language of that provision makes a differentiation between the action in the case of conduct taking place before one was a Senator and the action taking place when one was a Senator, presumably that language might be carried over to the conduct of a Senator where a reelection was involved.

The first part of the amended resolution proposed by the committee deals with the attitude or conduct of Senator MCCARTHY with relation to the so-called Gillette committee, largely in 1952. Senator MCCARTHY was a Member of the Senate at that time. However, he was a candidate for reelection at that time, and was sworn in again on January 3, 1953.

I do not know whether or not the Parliamentarian wishes to give an answer immediately to the question which I submit. If he does, I have no objection. But lest the question arise later, I think it should be raised now. The question is whether or not affirmative action on that portion of the resolution which relates largely to conduct prior to the swearing in of Senator MCCARTHY as a Member of the 83d Congress would require a two-thirds vote because it deals with conduct prior to the term in which he is now serving, or whether the question would be settled by a majority vote.

Mr. WELKER. Mr. President, will the Senator yield for a question?

Mr. CASE. I yield.

Mr. WELKER. I am confused. I cannot find in the report the amendment with respect to the Senate being a continuing body. Does the Senator have the amendments before him? I am sure he is familiar with that question.

Mr. CASE. I think the committee's position is clear. It is that the Senate is a continuing body. But when the recommendation deals with conduct at a prior session, it raises the question as to whether, with respect to that portion of the resolution, as amended, a majority vote or a two-thirds vote would be required. With respect to that question we should have a clear understanding.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. CASE. I yield.

Mr. WELKER. I am delighted that the Senator has brought up the case of the distinguished senior Senator from New Mexico [Mr. CHAVEZ], and the question of the charges filed against the distinguished senior Senator from North Dakota [Mr. LANGER]. It was my honor and privilege to represent the Senator from North Dakota. I regret sincerely that, based upon the report of a committee just as honorable and just as fair as the select committee, and composed of my close personal friends, I cast my vote against the seating of the Senator from New Mexico. I think that was one of the greatest mistakes I ever made.

I should like to have the Senator direct his attention to page 15851 of the CONGRESSIONAL RECORD for November 8, 1954, which shows in what respect the report of the select committee was amended, on the day before it was filed, I believe.

Mr. CASE. I am familiar with the reference.

Mr. WELKER. I wonder if the Senator can enlighten me. I have tried to do some legal research upon that very subject, namely, the question whether or not the Senate is a continuing body. I wonder if the Senator can tell me the reason for the amendment, in the light of the fact that on September 27, 1954, the distinguished chairman of the select committee filed eight copies of the report in the office of the Secretary of the Senate, and stated in his letter, of which I have a photostatic copy:

> This report is deposited with you, and will be the same report which will be filed officially with the Senate when it reconvenes on November 8, 1954.

The letter went on to state that the committee had released the report to the press.

My question, which may have quite a serious bearing upon the legal argument upon this subject which I expect to make at a later date, is this: Can the Senator tell me why the amendment was made at such a late date?

Mr. CASE. I can answer a part of the question. I cannot answer it all. The change was made because some of us felt that a brief sentence which appeared in the original committee print, and which was later omitted, could be interpreted so as to give the wrong impression. The sentence as it appeared in the original committee print correctly stated, I think, that proposed legislation pending at the end of the first session of a Congress continued into the next session of the same Congress, that is, that at the conclusion of the first session of the 83d Congress, any bills which had been introduced continued, in whatever status they may have had, into the second session of the 83d Congress.

There was a brief sentence which followed that statement which might give the impression, however, that bills which had a status at the conclusion of the second session of the Congress remained in the same status at the swearing in of the new Members of the Senate in the succeeding Congress. That, of course, is not correct, and every Member of the Senate so understands.

So, in order that there might be no misinterpretation, that sentence was deleted, and the proper sentence was inserted, to support the sentence which was retained, to the effect that—

> Senate rule XXV (2) provides that each standing committee shall continue and have the power to act until their successors are appointed.

We followed that with new language:

> That rule was followed in the case of the committee in question. The testimony taken in the hearings of the select committee shows that Senator HAYDEN, chairman of the Committee on Rules and Administration in the 82d Congress, certified the payroll for that committee for the 1st month of the 83d Congress.

That, to the committee, was persuasive evidence, along with the precedents and other evidence submitted, that the Senate is a continuing body.

Mr. WELKER. As I understand, my distinguished friend from South Dakota and other members of the committee based their reasoning with respect to this amendment—and it came in at a late hour and caused me many hours of work because of the fact that I had read the letter from my friend, the distinguished chairman of the select committee, to the effect that the report which he filed with the Secretary of the Senate would be the same report to be made to the Senate—upon the argument that, since the Senator from Arizona [Mr. HAYDEN] certified the payroll, the committee was in fact a continuing committee.

Mr. CASE. That was one of the things upon which the conclusion was based.

Mr. WELKER. Is there any other evidence——

Mr. CASE. Let me say also that, so far as I am personally concerned—and I think the feeling is shared by other members of the committee—I sincerely regret that the Senator lost hours of time and effort on that particular point, because if he had said to me, "There is a sentence in the report which is misleading because it suggests that legislation continues from one Congress to another," I would readily have agreed that it does not.

Mr. WELKER. The reason why I did not communicate with the Senator is exactly the reason why many other Members have not read the testimony or the committee report. They were busy campaigning. I asked the Secretary of the Senate for advice as to what the report contained, and I received it.

I certainly am not critical of the distinguished chairman. He certainly had a right to amend his report. However, in any court of law before which I have ever practiced those who have worked as diligently as has the Senator whom it is proposed to censure have been afforded some opportunity to read the allegations or charges. I sincerely appreciate the comments of my distinguished friend.

Mr. CASE. The junior Senator from South Dakota would like to state that the question whether or not the Senate

is a continuing body has other implications in connection with the entire issue involved. Senator McCARTHY was sworn in on January 3, 1953, thereby entering upon a different term. The conduct referred to under the first category dealt largely with incidents which occurred during the prior term. The point I sought to make was whether or not that fact raised any problem with respect to the percentage of vote required for action in connection with that particular portion of the recommendations.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). The Senator from South Dakota has raised a question which the Chair has referred to the Parliamentarian. The question is: What vote is required by the Senate to sustain charges against an individual Senator because of acts occurring prior to the time when he took the oath of office at the beginning of a new Congress?

The Parliamentarian will take that question under advisement, rather than advise the Chair of his judgment at this time.

Mr. CASE. That is entirely satisfactory. I merely felt the question ought to be raised at this time so that it could be explored and so that we would have a firm decision, instead of getting into complications.

The PRESIDING OFFICER. The Secretary will state the first amendment reported by the select committee.

The LEGISLATIVE CLERK. On page 1, line 1, after the word "That", it is proposed to strike out "the conduct of the Senator from Wisconsin, Mr. McCARTHY, is unbecoming a Member of the United States Senate, is contrary to senatorial traditions, and tends to bring the Senate into disrepute, and such conduct," and to insert in lieu thereof the following: "the Senator from Wisconsin [Mr. McCARTHY] failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a Senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin [Mr. McCARTHY] in failing to cooperate with a Senate committee in clearing up matters affecting the honor of the Senate is contrary to senatorial traditions and."

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Carlson	Ellender
Aiken	Case	Ervin
Anderson	Chavez	Ferguson
Barrett	Clements	Flanders
Beall	Cooper	Frear
Bennett	Cotton	Fulbright
Bricker	Crippa	Gillette
Bridges	Daniel, S. C.	Goldwater
Brown	Dirksen	Gore
Bush	Douglas	Green
Butler	Duff	Hayden
Byrd	Dworshak	Hendrickson
Capehart	Eastland	Hennings
Hickenlooper	Magnuson	Russell
Hill	Malone	Saltonstall
Holland	Mansfield	Schoeppel
Hruska	Martin	Smith, Maine
Humphrey	McCarthy	Smith, N. J.
Jackson	McClellan	Sparkman
Johnson, Colo.	Monroney	Stennis
Johnson, Tex.	Morse	Symington
Johnston, S. C.	Mundt	Thye
Kefauver	Murray	Watkins
Kilgore	Neely	Welker
Knowland	Pastore	Wiley
Kuchel	Payne	Williams
Langer	Potter	Young
Lehman	Purtell	
Lennon	Robertson	

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the first committee amendment.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. On the desk of each Senator is Senate Resolution 301. Certain amendments to that resolution were reported by the select committee, and they are shown in italic type.

The point I should like to raise is whether it would be agreeable to the Senator from Wisconsin [Mr. McCARTHY], the Senator from Utah [Mr. WATKINS], and the minority leader if the committee amendments to the resolution were adopted, with the understanding that the resolution in the amended form would be in the same status as though it were a de novo resolution reported by the committee, subject to amendment in the second degree.

Otherwise Senators might be foreclosed from proposing additional amendments to the resolution. The suggested procedure is customarily followed in connection with appropriation bills and tax bills. In that way no legislative rights would be foreclosed. If we were to follow that procedure we would then have, in effect, a clean resolution before the Senate, subject to normal legislative procedure.

The PRESIDING OFFICER. The Chair will advise the Senator from California that by unanimous consent what he has just suggested could be done.

Mr. KNOWLAND. I would ask unanimous consent, but I wish to give the minority leader a chance to consult with some of the committee members on his side of the aisle to see whether it would be agreeable to them, and then I should like to ask unanimous consent that it be done.

The PRESIDING OFFICER. Under the proposal of the Senator from California, italicized matter would be treated as being in roman type.

Mr. KNOWLAND. That is correct.

Mr. DIRKSEN. Mr. President, assuming that the unanimous-consent request is presently before the Senate, I reserve the right to object only for this reason: I wish to be sure that in approving or voting for the new language in the resolution, such approval is only perfunctory in character and does not carry with it approval of the language of Senate Resolution 301 as it is presently before the Senate, so that if a substitute should be offered it would present no difficulty and no Member would feel he was prejudiced with respect to the pending language.

Mr. KNOWLAND. Mr. President, I would say that purely from the technical aspects of legislation it would not be considered in any degree final Senate action or even preliminary Senate action in stating our position on these matters, but it would merely put the resolution in a clean form, and then, if the Senate so desired, amendments might be offered as though it were a brandnew resolution.

Mr. CASE. Mr. President, reserving the right to object——

Mr. DIRKSEN. Mr. President, I think I have the floor at the moment.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. I think it is understood that perfunctory approval of the new language which is now before us carries with it nothing more than the action of the Senate to protect the resolution, so that it will be properly before the Senate and subject to any amendment, modification, or any substitute.

Mr. KNOWLAND. That would be my interpretation.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, as I understand, the committee amendment is now before the Senate. The Senate has not adopted it, but it is now pending. I assume, although I am unaware of any amendment, there will be amendments to the committee amendment. Is that correct?

Mr. DIRKSEN. That is a fair assumption, I think.

Mr. JOHNSON of Texas. That being true, then, why are not the amendments proposed and properly considered without adopting the committee amendment and sending word out to the country that the Senate has already adopted the committee amendment even though there are other amendments to be considered? What do we gain by that procedure?

Mr. DIRKSEN. In the first place, Mr. President, it would appear to me that the affirmative case has not been concluded. Maybe I am laboring under a misapprehension, but I assume that every member of the select committee would want to be heard and would want to explain and interpret the report as he sees it, and then, of course, the other side of the case may be properly presented in due course. But it will take a little time. That has not been done, and that is the reason why I raised the question whether the action now proposed is wholly perfunctory in character and will in no way commit any Member of the Senate to the language before us. On that we must be precisely clear.

Mr. JOHNSON of Texas. The question which I raise is, if it is perfunctory, then why is it necessary?

Mr. DIRKSEN. Then, perhaps we would not get to the amendments at all.

Mr. KNOWLAND. Mr. President, under the circumstances, and because there seems to be a difference of opinion on procedure, and this can be done in any event only by unanimous consent, I withdraw my unanimous-consent request lest there might be a misunderstanding as to the action of the Senate and what was contemplated by my request. Then we

can proceed with the debate on the resolution matter.

Mr. JOHNSON of Texas. I think that is a very wise procedure.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. DIRKSEN. Mr. President, first, let me raise a parliamentary question. I am mindful of the fact that it is not exactly a parliamentary inquiry, but I assumed that the members of the select committee would present the case in behalf of the report and in behalf of Senate Resolution 301 as it appears before the Senate today. Frankly, I know of no way that one in court could make answer until the case had been entirely presented. So I have been waiting very patiently until that has happened, because I shall have something to say on the matter. If that is a fair parliamentary inquiry, then, of course, it would call for some comment, I think, from the chairman of the select committee and from the members of that committee, because if we have arrived at that stage of the procedure where there is going to be no further presentation of argument and substantive evidence, then, frankly, I suppose, in order not to be foreclosed in my right to be heard, it will be necessary at this hour of the afternoon to present my side of the case. But I sincerely hope that the select committee will not put the so-called antagonists in this case in that position. As an attorney, I would say that obviously we are entitled to hear the whole indictment, and all the affirmative evidence as if this were a court matter, before we respond and make answer. I believe there is a duty on the select committee, Mr. President, to make the case before any response is made, as in due course I, and, I fancy, other Senators, will want to make reply. But we have not yet heard all the argument. If there is anything else to be adduced, we ought to hear it now.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that he is advised by the Parliamentarian that the question before the Senate is on the adoption of the amendment. If the amendment should be adopted, the Chair is further advised that no further amendment to the committee amendment would then be in order.

Mr. DIRKSEN. However, Mr. President, inasmuch as the so-called resolving clause is retained in the resolution, it certainly would be in order, under my estimate of the rule, that a substitute for all the language, including the language in italics, which now appears in the resolution, could be offered and would be in order.

The PRESIDING OFFICER. The Chair is advised that the Senator is correct. Under the Senator's hypothesis, it would be in order.

Mr. DIRKSEN. I am asking a hypothetical question. I want to be sure that if any Senator offers a substitute or any amendatory language for all that appears after the word *"Resolved"* in the resolution, it would be entirely in order.

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois has merely repeated the question he asked a moment ago as to which the Chair obtained the advice of the Parliamentarian. Under the Senator's hypothetical situation, his proposal would be greater than the committee amendments and thus would be in order, even though the committee amendments had been agreed to.

Mr. McCARTHY. Mr. President, I am not certain that I understand the parliamentary situation. There is now before the Senate the question of the adoption of the first count, so to speak, in the censure resolution. If that is agreed to, it would mean censuring the junior Senator from Wisconsin on the first count. Is that correct?

The PRESIDING OFFICER (Mr. BUTLER in the chair). That is correct. That is the committee amendment included in section 1.

Mr. McCARTHY. While I cannot force the select committee to do so, I think the suggestion made by the junior Senator from Illinois [Mr. DIRKSEN] is correct. I think the committee ought to present its case. I should like to know what its case is before I answer it. I wonder if the Senator from Utah [Mr. WATKINS] can tell us which members of the committee will speak and present the committee's case.

Mr. WATKINS. Mr. President, does the junior Senator from Wisconsin have the floor?

Mr. McCARTHY. I yield for the purpose of having the question answered.

Mr. WATKINS. I simply wish to say that I stated very clearly this morning that the select committee does not consider that it has a case; that is——

Mr. McCARTHY. I think the Senator from Utah is right.

Mr. WATKINS. The junior Senator from Wisconsin can be facetious if he wishes to be, but the fact is that the members of the committee did not consider themselves to be prosecutors. I made that absolutely clear. We had a special job to do, and we made a report. Whether or not it shows a case is for the Senate to determine. It is now the job of the Senate to handle the matter.

As a matter of fact and as a matter of practice, the members of the committee are prepared to participate in some discussion of the committee report. I myself did so this morning for almost 2 hours. Other members of the committee are willing to speak on the report and to answer questions. We have made that absolutely clear.

Many Members of the Senate came into the Chamber rather late, and have not had time in which to prepare formal speeches. The matter has been crowded along. When Members make speeches, they want to be very clear in what they say, because the question involved is very important.

However, I think the junior Senator from South Dakota [Mr. CASE] is now ready, or will be ready soon, to enter into a discussion of the committee report.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield the floor to the Senator from Illinois.

Mr. DIRKSEN. The distinguished Senator from Utah [Mr. WATKINS] is correct; it is not my understanding that this is an adversary proceeding, or that the members of the select committee have come before the Senate as prosecutors. But the language of the report is very clear, because in these two very important paragraphs relating to censure, the language is as follows:

> For this conduct, is is our recommendation—

Meaning the recommendation of all the members of the committee—

> that he be censured by the Senate.

If that be "our recommendation," then it appears to me that the six Senators having concurred, they should present to the Senate the case as to why this is their recommendation. That is the point that requires clarification, and that could be done without making this an adversary proceeding.

When that much of the case, if it is desired to call it a case, has been presented, then I think the response can be made. In my judgment, that would be a very logical way in which to proceed. But if the Senator from South Dakota [Mr. CASE] is ready, I think that makes all this discussion moot, and we can proceed.

Mr. WELKER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Idaho?

Mr. WATKINS. I yield for a question.

Mr. WELKER. I merely wish to ask my friend, the distinguished Senator from Utah, the chairman of the select committee, a question. Three great jurists sat on the select committee. All of them have had experience in the field of criminal law. I believe I shall be able to establish beyond doubt that a proceeding of this type is, in fact, a criminal action. I hope I shall be able to sustain that contention.

Why cannot we, as honorable Senators, sit here and amend the complaint? In its nature the resolution is nothing more than a complaint. The distinguished Senator from Mississippi [Mr. STENNIS] and other Senators have many, many times done what I suggest.

At a late hour, an amendment comes before the Senate. If it were agreed to, the so-called or alleged defendant would be precluded from presenting his case. As reasonable persons, certainly we can arrive at a decision of a question so fundamental as that. Heavens above, no one intends to submit amendments by the thousands to delay the matter. All that is desired, in the words of the distinguished chairman of the select committee, when he began this debate, is to have as judicial a proceeding as possible. I am certain that the Senator from Utah will agree with me that what I suggest is a fair request.

Mr. WATKINS. The Senator from Idaho did not hear me object.

Mr. WELKER. I certainly did not. I wish to make that clear.

Mr. WATKINS. There will be ample opportunity for Senators to present amendments. I shall have no objection. I did not make the rules of the Senate, and I cannot change them at will. I certainly shall not object to any fair amendment which is offered, if it can be offered under the rules.

I did not make any objection to the unanimous-consent request of the majority leader. However, I was not in the Chamber when he presented the first part of his request, and I did not understand clearly what he was seeking. But I did not object.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WATKINS. I yield.

Mr. FERGUSON. The first paragraph of the resolution, on page 2, line 5, contains the following words: "And is hereby condemned."

In section 2, line 17, the following words appear: "and censures him for that action."

Does the Senator from Utah have any explanation as to why in section 1 the language used was "and is hereby condemned," while in section 2 the language used is "and censures him for that action"?

Does the Senator wish to make an explanation?

Mr. WATKINS. The only explanation I think of at the moment is that the Parliamentarian was asked for advice with respect to amending the language, and the words in the original text of the Flanders resolution, "is hereby condemned," were retained, and the other language was placed in between them and the first word in the resolution, so that the wording is as it appears on line 5. I understand, however, from checking the definitions, that there is very little difference between "condemned" and "censured."

Mr. FERGUSON. In section 2, the committee language is "and censures him," meaning the junior Senator from Wisconsin personally.

In the other language, did the committee mean simply to condemn what was done, and not the Senator's doing of it?

Mr. CASE. Mr. President, will the Senator from Utah yield to me?

Mr. WATKINS. I yield to the junior Senator from South Dakota.

Mr. CASE. I should like to invite the attention of the Senator from Michigan to line 2, page 2, where I think the Senator's question is partly answered. The language is, "and that this conduct of the Senator from Wisconsin * * * is hereby condemned." That is, as to the first section it should be clear there is no general personal condemnation.

The Senator from Michigan will note in line 2 that the language is:

> And that this conduct of the Senator from Wisconsin, Mr. McCARTHY, in failing to cooperate with a Senate committee in clearing up matters affecting the honor of the Senate is contrary to senatorial traditions and is hereby condemned.

The language "is hereby condemned" is a carry-over of the language in the original Flanders resolution, and so appears. Those very words, "is hereby condemned," are in roman letters. The text of the amendment is in italics. It should be perfectly clear that it is certain specific conduct of the junior Senator from Wisconsin which is condemned.

In the second instance, I think there was a feeling, I started to say on the part of the committee, there was certainly a feeling on my part, and I am not speaking for the other members of the committee, that there is some difference in degree between the offensiveness of the conduct covered in section 1 and in section 2. The words "and censures him for that action" are intended to make it impersonal. That is, it is not a personal censure, but it is a censure of the action. It is not a general condemnation of the junior Senator from Wisconsin, but relates particularly to his action in the denunciation of a witness representing the executive branch of the Government for having done certain things, which, of course, takes us to the merits of the whole matter, and probably it is not necessary to go into that phase at this time.

Mr. FERGUSON. Is that not exactly what is done in line 2, which reads, "and that this conduct * * * is hereby condemned"? It is not the Senator himself who is condemned.

Mr. CASE. That is correct.

Mr. FERGUSON. It is the conduct which is condemned. In line 17 the resolution reads "censures him for that action."

Mr. CASE. If that language bothers the Senator from Michigan, the words "him for" could be deleted, so as to make the phrase read "censures that action." Perhaps that would be more accurate as representing what the committee had in mind. The words "for that action" are intended to make it impersonal, not relating to the Senator as a person, but to express disapproval of a specific action.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I am disappointed that the unanimous-consent request of the Senator from California was not agreed to. The object of that request was simply to give the Senate complete freedom of action in dealing with sections 1 and 2 of the resolution. No doubt when the Senate reaches the point where it desires to take action which is other than perfunctory action, numerous amendments may be offered and perhaps voted upon. It seems to me that section 1 and section 2 ought to be divided when a vote is taken.

As I understood the request of the Senator from California, the able majority leader, the only purpose of his request was to give the Senate complete freedom of action to do what it might desire to do with regard to either one of those proposals.

Mr. CASE. The purpose was to avoid getting into a situation in which amendments would have to be offered in the third degree, which would be out of order.

Mr. JOHNSON of Colorado. Yes, whereas amendments might be offered in the second degree. Otherwise Senators might be completely shut off from offering amendments.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Wisconsin.

Mr. McCARTHY. I agree with the Senator from Colorado that if the unanimous-consent request of the majority leader were accepted, it would give the Senate much more freedom and liberty in amending and handling the resolution. I would have no objection to the suggestion made by the majority leader.

Mr. JOHNSON of Colorado. I wish to say that I would have no objection to the request made by the majority leader, if I properly understood it.

Mr. KNOWLAND. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield to the majority leader.

Mr. KNOWLAND. I do not wish to renew the unanimous-consent request at this time, because the minority leader is not present at the moment, and he apparently had some objections to the request. My only purpose in making the suggestion was that in a matter of this kind the Senate should not get into such a parliamentary tangle that it would be foreclosed from taking appropriate action. It seems to me that the situation which confronts the Senate is that the original resolution, S. 301, was offered by the Senator from Vermont [Mr. FLANDERS]. The amendment is shown substantially in the italics except for a word or two on the second page. If the amendment is adopted as a committee amendment, then the Senate would be foreclosed from making any amendments to the language.

Certain Senators might say, "It is all right, except we think three words should be stricken out," or other Senators might say, "We think it is all right except another sentence should be added." The Senate would be precluded from doing that.

The only alternative on the part of the Senators who did not agree with the precise recommendations of the select committee would be to offer a substitute. So, I think the freedom of action of the Senate would be considerably curtailed. I certainly do not desire to continue to urge adoption of the request, because, if it were agreed to, it would have to be done by unanimous consent, so there would be no impression created, either in the press or throughout the country, other than that the Senate merely was adopting it because of technical reasons, and was not prejudging or taking a stand on the question.

The only purpose of the unanimous consent request of the majority leader was to put the resolution in such form that it would be subject to whatever amendment or substitute might be offered.

Mr. CASE. Mr. President, if the majority leader or any other Senator renews the request, I hope it will be limited to the language of section 1, and that a similar request will later be made with regard to section 2. The reason for my statement is based on the fact that it is my conviction, and I think other members of the committee share it, that there should be separate votes on the two different matters.

Mr. KNOWLAND. Mr. President, will the Senator from South Dakota yield at that point?

Mr. CASE. I shall yield in a moment. The form of the resolution was worked out with the Parliamentarian and with

representatives from the staff of the legislative counsel of the Senate, and it was thought that by incorporating the body of the first recommendation between the first and last words or two of the Flanders resolution, it would separate the two propositions and automatically insure a separate vote on each amendment. Had the proposal been made for a complete substitute, we feared that would have required either a demand for a division or a motion to strike a portion of the single amendment unless both propositions were to stand or fall together.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from California.

Mr. KNOWLAND. I think the problem which the Senator from South Dakota raises could be met, and I desire to address a parliamentary inquiry through the Presiding Officer to the Parliamentarian, as to whether or not by unanimous consent, or even under the rules of the Senate, upon request, the issue might be divided so that section 1 and section 2 of the resolution might be voted on separately.

The PRESIDING OFFICER. The Chair is advised that that will be the order, and that the two paragraphs will be voted on separately.

Mr. KNOWLAND. I make a further parliamentary inquiry as to whether, upon renewal of the unanimous-consent request to treat this matter de novo, and its being granted under those circumstances, the issue might then be divided.

The PRESIDING OFFICER. The Chair is advised that the only matters which could then be considered would be individual amendments.

Mr. KNOWLAND. Yes; but could not a motion be made either to strike section 1 or to amend section 1, without touching section 2, as an example?

The PRESIDING OFFICER. Yes; that is correct.

Mr. CASE. Mr. President, the Senator from South Dakota would object to a unanimous-consent request which combined the two proposals if a motion were required to strike out one of them in order to let them be voted upon separately.

I address a parliamentary inquiry to the Chair. Could not the suggested request be limited to the first amendment, and could not the language of the first amendment with the remainder of section 1 be considered as an original text?

The PRESIDING OFFICER. The Chair is advised that that could be done.

Mr. KNOWLAND. Mr. President, I should like again to address a parliamentary inquiry, through the Chair, to the Parliamentarian. Assume that the resolution had come out of the committee de novo, that the report on Senate Resolution 301 was made, but that normally, in the course of legislative procedure, the committee had added a committee amendment or a new section. If that had been done and the resolution had come out in two sections, would not the Senate have it within its own right to vote on each section separately—in other words, have the issue divided?

The PRESIDING OFFICER. Under rule XVIII, a proposal to strike out and insert new matter cannot be divided.

The resolution was reported in the form in which it appears so that Senators would have an opportunity to vote on each section separately.

Mr. KNOWLAND. Then, Mr. President, because of the parliamentary circumstances at the moment, I suggest that the debate continue, because I believe it would be a mistake to obtain a unanimous-consent agreement in regard to treating only one half of the committee's action as the action of the Senate, and having that part adopted, and leaving the other half suspended in midair, so to speak. To do so might cause more confusion, I think, not only in the Chamber but throughout the country, if it were to be understood that the Senate had acted on one section but apparently had completely ignored the other section.

Mr. CASE. Mr. President, it occurs to me that possibly a little consideration of this matter by the Parliamentarian would suggest a way to work it out so that all parties would be accommodated.

Mr. President, in addressing the Senate at this time I do so reluctantly for two reasons: In the first place, I did not expect to speak this afternoon on the report. In the second place, I speak at this time with considerable reluctance because I do not in any degree desire to appear as an adversary in this whole proceeding. I think it is known to the Members of the Senate that there is not a member of the select committee who sought the job. Certainly I did not seek it. If I had taken the good advice I received when I returned home the night after I consented to serve, I would have reconsidered my decision, and would not have consented to serve.

Be that as it may, the majority leader advised me that the field was somewhat limited, that Members of the Senate who were candidates this year ought not be asked to serve; that because of past expressions of opinion, many other Members were more or less eliminated. I do not know whether I was the last choice, or where I stood in that regard. In any event, when the distinguished majority leader finished talking to me he made me believe he had a job that someone had to do, and that he picked me as one of those who had to go through what I say honestly and sincerely has been the most unpleasant work assignment in my entire life.

I certainly am not "out to get" the junior Senator from Wisconsin [Mr. McCARTHY]. Personally, I like him. Personally, I would have liked to see the situation such that today the Senate could have taken a recess for a time and attend the dedication of the statue to the heroes of Iwo Jima. I happened to serve for a little time in the United States Marine Corps, as did the junior Senator from Wisconsin, and I have a kindred feeling with him and with other members of that illustrious corps. I regret exceedingly the circumstances which bring us to the consideration of this matter at all, and certainly under this situation today.

It hardly needs to be stated that I had nothing to do with initiating the 46 charges which were referred to the committee. I did not initiate the referral to a special committee, and I certainly did not seek a position on the committee.

At the outset, I wish to state that I feel that the junior Senator from Wisconsin [Mr. McCARTHY] has done a notable job of alerting the country to subversive, communistic activities. I would not detract in one degree from the credit due him for a great public service in that respect. On the contrary, I applaud him for his relentless efforts and for some dramatic results.

As a one-time member, too, of the House Committee on Un-American Activities, I know that anyone who exposes subversion is bound to be the victim of counterattacks. The junior Senator from Wisconsin has had his share of unfair smear attacks, and I do not blame him for being sensitive on that score.

At the same time, it must be recognized that honorable service in one field does not create immunity from responsibility for proper conduct in other fields.

The 2 issues out of the 46 on which the committee recommended censure are not that the junior Senator from Wisconsin [Mr. McCARTHY] found or got rough with Communists, fifth amendment or otherwise. The first count has to do with what the committee considered his failure to cooperate in the functioning of a committee of the Senate, in clearing up matters relating to him that affected the honor of the Senate, thereby effectively obstructing the efforts of the committee to deal with the matters referred to it.

The second has to do with what the committee felt was unwarranted abuse of a representative of the executive branch of the Government, namely, the denunciation by the junior Senator from Wisconsin of General Zwicker, in effect, for carrying out orders, for respecting executive directives, and, in effect, for refusing to say that one who took the position that his superior officer had taken in directing the discharge of a major, should be separated from the service for issuing the discharge order.

Of course, the answers to those charges should be on their merits.

The so-called Flanders resolution, as originally presented to the Senate, as I recall, was a resolution to strip the junior Senator from Wisconsin of certain positions he holds in the Senate, due to his chairmanship or to his seniority. It later was changed to Senate Resolution 301, or a resolution to censure for general conduct. The Members of the Senate will recall the threat of extended debate here on that resolution, as the Senate was trying to drive through its legislative program, in order that it might adjourn, if possible, by the end of July or early in August.

Persuasive arguments were presented to the Senate by various Members, including the Senator from Texas [Mr. DANIEL], and the Senator from Oregon [Mr. MORSE], to the effect that a resolution of censure should not be in general terms, but should carry a bill of particulars. Following that, the Senator from

Arkansas [Mr. FULBRIGHT], the Senator from Vermont [Mr. FLANDERS], and the Senator from Oregon [Mr. MORSE] presented what might be called a bill of particulars; that is to say, they offered amendments to Senate Resolution 301, varying in number and in phraseology, but adding up to some 46 different counts. The Senator from Connecticut [Mr. BUSH], proposed amendments to the Rules of the Senate dealing with some of the issues involved.

There was some debate upon these matters. The Senator from New Jersey [Mr. SMITH] suggested that the matter be referred to a special committee. His particular motion was not adopted, but that idea of reference gained adherents here on the floor of the Senate. Eventually the distinguished majority leader, after consultation with the distinguished minority leader and with other Members, I assume, on both sides of the aisle, presented the motion which prevailed, which was to create a committee of six members, to be named by the Vice President; but it was understood from all the statements which were made that the Members were to be recommended and mutually agreed upon by the floor leaders for both parties, with an equal number of representatives from both parties. The idea, I think, was to have a bipartisan committee as nonpolitical as possible.

That was the situation; and eventually certain Members of the Senate found themselves assigned to that task, under the conditions I have described.

Possibly a few words should be said regarding the procedure of the chairman, to supplement what he has stated this morning.

The original decision of the committee was concerned with how it should proceed. Naturally, the committee obtained some staff help, but we examined the 46 different counts. We found there were about 13 of them that could be classified under 5 different categories. The remaining 33 we decided were not of sufficient merit on their face to warrant consideration until we had taken testimony and had deliberated on the other 13.

A little later I shall refer to the disposition of those 33.

Under 1 category we included those incidents which suggested contempt of the Senate or of a senatorial committee. They largely dealt with Senator MCCARTHY's conduct with relation to the so-called Gillette-Hennings Subcommittee on Privileges and Elections of the Committee on Rules and Administration in the 82d Congress.

Under category 2 we included the incidents of encouragement of United States employees to violate the law and their oaths of office. I am repeating the language embodied in the citations referred to the committee—not that the committee accepted that phraseology. In large part those incidents referred to the conduct of Senator MCCARTHY at the so-called Army-McCarthy hearings.

Under category 3 we included incidents involving the use of classified documents. In the main that concerned the use of the so-called 2½-page document which appeared in the Army-McCarthy hearings.

Under category 4 we included the incidents which involved the abuse of colleagues. Subsequently in our deliberations we selected one phase of that category and incorporated it with category 1, insofar as it related to the conduct of Senator MCCARTHY with reference to Senator HENDRICKSON as a member of the Gillette-Hennings subcommittee.

Under category 5 we included the incidents relating to General Zwicker.

The committee then prepared and delivered notices of hearings and established rules for the orderly and judicial conduct of the hearings of the committee. The committee instructed the staff to brief the law and the precedents on the questions involved. Then we instructed them to gather and present all the facts and evidence bearing on the 13 charges, regardless of which aspect of the charges they seemed to support.

Following that, of course, the committee held hearings. During those hearings the staff of the committee presented the law and the facts. As the chairman of the committee has pointed out, the hearings were not regarded as adversary in character, and while we invited the individual Members of the Senate who had submitted the amendments which constituted the general charges to submit evidence, we did not specifically request their appearance before the committee.

I have before me a copy of a letter dated August 24, 1954, which went out over the signature of the chairman of the committee to the Senator from Oregon [Mr. MORSE], the Senator from Vermont [Mr. FLANDERS], and the Senator from Arkansas [Mr. FULBRIGHT]. I think possibly it would not be out of place to read that letter at this time, because I understand some Senators have wondered why those individual Members did not appear as witnesses before the committee.

Briefly, the reason was that, so far as we knew, they did not possess individual knowledge of the charges which they made. They were made in the nature of information, or leads for the committee to follow. The following is the text of the letter which was sent to each of the three Senators named:

For your information I have enclosed herewith a copy of a notice by the Select Committee to Study Charges Pursuant to Senate Order on Senate Resolution 301 which was issued by the committee today.

Since you are one of the Members of the Senate who proposed specific charges by way of an amendment to Senate Resolution 301, you are advised that it would be helpful to the committee if you should document the charges contained in the amendment or amendments offered by you and return the said documented charges to the committee at the earliest possible date.

You are further advised that if you have witnesses or know of witnesses who can offer oral or written evidence at said hearings set forth in detail in said notice of hearings and in conformity with the requirements of said notice with respect to testimony, you should submit to the committee the names of said witnesses together with a brief summary of the testimony which they may give if called upon to testify by said committee at said hearings.

You are further advised that any information which you may have which may be material, relevant, and competent on the subject matter of said hearing will be received by said committee informally for the purpose of aiding and assisting it in accomplishing its duties under said Senate Resolution 301.

Yours very sincerely,

ARTHUR V. WATKINS,
Chairman.

When the hearings opened the staff counsel read into the record the documentary material which was available to the committee. We established the rule that either counsel for Senator MCCARTHY or Senator MCCARTHY himself might object to testimony introduced; and that either Senator MCCARTHY or his counsel—but not both—might cross-examine witnesses. The committee counsel was restricted, in that we did not permit committee counsel to object. Objections could have been made, I presume, by members of the committee to the introduction of evidence. I do not recall that any member of the committee objected to the introduction of evidence, except as expressed through the rulings of the Chair.

So far as I know, all evidence, pro and con, was received. I recognize that there were some rulings of the Chair with respect to certain material which Senator MCCARTHY or his counsel sought to present, and which was not introduced. There has already been some reference to that matter in the discussion.

So far as I know, no formal challenge was made with respect to the competency or qualifications of any member of the committee to serve.

I think it should be said that at the outset of our meetings, before the hearings, Senator MCCARTHY and his counsel came to the committee and met with us in executive session to discuss the implications of the article in the Denver Post in which certain statements were alleged to have been made by the Senator from Colorado [Mr. JOHNSON]. We discussed that question informally. I think the committee counsel and Senator MCCARTHY did the proper thing in bringing the article to the atttention of the committee and to the attention of the Senator from Colorado, but no formal challenge was made of his qualifications, so far as I know.

I may say at this point that I wish it could have been possible for Members of the Senate to be present during all the executive meetings of the committee. I would not say that there was unanimity in every point of view which was expressed during the deliberations of the committee in executive session. Such a statement would be untrue. There was not unanimity on every point of view which was expressed. We discussed the issues as they arose. We discussed the evidence pro and con. I will say that I did not detect, in the comment or the attitude of the Senator from Colorado, any bias that could be attributed to anything he may have said or anything he may have felt before he came on the committee. If he expressed a conviction, I think it could fairly be said that it

was the outgrowth of material which came before the committee during our deliberations.

The evidence was taken and printed. Briefs and memoranda of law were printed. Then we made the decision to take no testimony on the remaining 33 charges. Later I shall devote a little time to that subject.

Following the hearings and deliberations there was the preparation of the report. As Senators have undoubtedly noted, the report is divided into eight sections. I think each one is fairly closely organized, so that it would be possible to find the substantial evidence and the findings on the law and the facts which led to each recommendation of the committee.

I wish to say a few words about the two categories of charges with respect to which the committee did not recommend censure. I say that because initially the committee felt that they were of sufficient weight that we should take testimony upon them.

I think it is fair also to say that some belief was expressed during a part of our deliberations by some members of the committee to the effect that possibly a censure recommendation was warranted with respect to those two matters. However, the final judgment of the committee was that there was no basis for a recommendation of censure. In that point of view, very frankly, I may say, I completely concurred.

I have reference to categories 2 and 3. No. 2 was the solicitation of allegedly classified information; No. 3 the alleged misuse of classified information.

In view of the fact that the committee did not recommend censure on either of these categories, and in view of the fact that both of these matters are reviewed in the report, I do not think it is necessary to go into any lengthy discussion of them. For myself, and speaking only for the junior Senator from South Dakota, however, I do wish to give my own position with respect to them.

First, with respect to the solicitation. Senators will recall that during the so-called Army-McCarthy hearings, the Senator from Wisconsin [Mr. McCARTHY] in various ways indicated his belief that employees of the Federal Government who had any knowledge of wrongdoing—and perhaps in one instance he indicated that he meant that regardless of whatever that information was—should communicate it to him. However, a careful reading of his invitation convinces me that even if in a single instance he omitted the use of the words "evidence of wrongdoing relating to treason or corruption," it was merely the infelicity of the repetition of a statement.

I was wholly convinced, both by a careful reading of his invitation at the Army-McCarthy hearings and by his very positive statements before the select committee on direct examination and cross examination, that he did not intend that employees of the executive branch of the Government should start on a wild ransacking of Government files in an effort to find some classified information which would make them heroes for a day, or anything of that sort.

A very careful reading of his statements at the Army-McCarthy hearings and his statements before the select committee would convince an objective person, I believe, that he did not intend any statement he made to be a loose, wild invitation for employees to submit to him classified information. However, he did want evidence of wrong doing.

I should like to make one other point in this connection. There was brought to our attention no statute which made it a crime or misdemeanor or felony, or wrong in any way, for an employee of the Government to give classified information to a person authorized to receive it.

If there came to the junior Senator from Wisconsin information of a classified nature which had to do with wrongdoing, or raised a question on that score, I personally feel that the junior Senator from Wisconsin, as chairman of the Committee on Government Operations, and as chairman of the Subcommittee on Investigations of the Committee on Government Operations, might well feel that he was a person entitled to receive such information.

I submit this question to Members of the Senate who have any doubt on that point. If the chairman of the Committee on Government Operations, formerly known as the Committee on Expenditures in the Executive Departments, and the chairman—the same person—of the Subcommittee on Investigations is not an authorized person to receive information on wrongdoing in the Government, even if it be of a classified nature, what Member of the Senate should claim that right?

It happens that in my capacity on the Committee on Armed Services—and I am chairman of the Subcommittee on Real Estate and Military Construction—I receive much material of a classified nature which has a great deal of red printing around it and on the envelope. I assume I am a person authorized to receive such information. I certainly try to respect the classification of it. However, I assume I am a person authorized to receive it.

Therefore no felony or misdemeanor or crime or any wrongdoing whatever is involved in my receiving it when it carries that classified label; nor is there anything wrong about any Government employee bringing that material to me. The error would be in a misuse of it, and I shall come to that point in a minute.

I feel that the junior Senator from Wisconsin was entitled to say with considerable feeling that he had a right to receive information of wrongdoing, even if it were of a classified nature. He was entitled to feel that way, and any Member of the Senate might feel that was if he were the same chairmanship.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. WELKER. Does the Senator base his statement on the law or on his personal opinion?

Mr. CASE. I base it on my opinion, but I think it is the law as well. I do not know of a single section of the law being called to our attention which indicated that it was wrong to give classified information to a person authorized to receive it. The law is not too clear as to who is an authorized person.

Mr. WELKER. Will the Senator yield further?

Mr. CASE. I yield.

Mr. WELKER. I believe the Senator is making a profound speech, and I should like to be of assistance to him. Is the Senator familiar with title 5, United States Code, section 652, paragraph (d)? I shall read it:

> The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

As I understand, that law was not called to the attention of the committee by its counsel or anyone else. Is that correct?

Mr. CASE. I believe the Senator from Idaho is perhaps in error in that regard. It was brought to our attention, but it was stated that that section had to do with civil-service employees. There was some opinion to the effect that that section of the law had a particular meaning with reference to persons under the jurisdiction of the Civil Service Commission.

Mr. WELKER. Mr. President, will the Senator yield further?

Mr. CASE. I yield.

Mr. WELKER. I should like to call the attention of the Senator from South Dakota to title 18, United States Code, section 4, which provides as follows:

> Whoever, having knowledge of the actual commission of a felony, cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than $500 or imprisoned not more than 3 years, or both.

Certainly that section does not refer to a civil-service employee. It says "any person." Was that law brought to the attention of the committee?

Mr. CASE. Yes; that was also brought to our attention. However, whatever the value of both of the statutes is—and I believe they have a great deal of value—the question is moot because we did not, in the final analysis, recommend censure on that score.

Mr. WELKER. I appreciate that fact. I wished the RECORD to show whether those statutes had been brought to the attention of the committee, and whether the Senator's statement was based on the law or on the kindness of his heart.

The Senator has been very kind to yield to me at this time. I may have misunderstood him in his opening remarks. I understood him to state that the select committee—and I have heretofore stated that the members of the select committee are my friends, whom I greatly admire—was critical of the junior Senator from Wisconsin for his cross-examination of one who was in the executive branch of the Government, namely, General Zwicker. I know my distinguished friend from South Dakota does not wish the RECORD to show that

an examiner should be rougher with a corporal than with a general.

Mr. CASE. No. Of course, that was not intimated.

Mr. WELKER. I got the impression that the committee pinpointed it toward a major general.

Mr. CASE. It would be the same if he had been a private acting in the capacity of representing the executive branch of the Government.

Mr. WELKER. If the Senator will permit me, I should like to ask one more question. The Senator has been very kind.

On page 30 of the report the second paragraph thereof contains, I believe, a very profound statement which we must consider, and which reads as follows:

> If the rules and procedures were otherwise, no Senator could have freedom of action to perform his assigned committee duties. If a Senator must first give consideration to whether an official action can be wantonly impugned by a colleague, as having been motivated by a lack of the very qualities and capacities every Senator is presumed to have, the processes of the Senate will be destroyed.

I wish to ask my distinguished friend from South Dakota this question: Would not that include our distinguished colleagues who made the charges upon the floor of the Senate with reference to the statement that the junior Senator from Wisconsin falsely accused Annie Lee Moss? Would it not also relate to other charges which were leveled at the junior Senator from Wisconsin by the Senator from Vermont and which were ruled out? What are the Senator's observations on that point?

Mr. CASE. There, again, the issue which is involved will be discussed in detail later. But I will say that that particular phraseology is not something which I contributed to the report. I think possibly it could be made a little more clear. Later I shall discuss the principle involved.

Mr. WELKER. If the Senator will be kind enough to permit me to ask one more question, then I shall desist.

Mr. CASE. I yield.

Mr. WELKER. The Senator, no doubt, well remembers the order given to the select committee by the Senate of the United States, which will be found on page 1 of volume 1 of the hearings. I call attention to the last three-quarters of the second paragraph of the order, which I read:

> *And ordered further*, That the committee, which shall be authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable, and that the committee be instructed to act and make a report to this body prior to the adjournment sine die of the Senate in the second session of the 83d Congress.

Will the Senator from South Dakota kindly tell me why he did not even invite me or request me or subpena me to appear to testify concerning what I knew about the activities of the Gillette-Hennings committee? I would have been glad to appear before the committee, and I am sure I would have been treated with courtesy, and I think that perhaps I could have given the committee some advice as to why it should not even consider what occurred before the Gillette committee.

Mr. CASE. Frankly, Mr. President, I do not know. The committee called anyone who was suggested by the Senator from Wisconsin or by his counsel. I regret that we did not call the Senator from Idaho. I hope that before we complete our deliberations here the Senator will make the contribution which I am sure he can make. I say that in all sincerity. I think he can make a contribution by telling the Senate what he might have told the committee with respect to the operations of the Gillette committee; and as one member of the select committee I shall be very glad to hear him when he does so.

Mr. WELKER. That is all very well, but the barn has pretty well burned with the horses in it. But let me make this observation. I do not think it was the duty of the Senator from Wisconsin to suggest witnesses. On August 2, 1954, I spoke at length and fully and completely with respect to my relations with the Gillette committee and the facts that caused my resignation from it. Certainly the select committee took judicial notice of many, many other things, but it completely pulled the stick back and flew over the junior Senator from Idaho.

Mr. CASE. We did not call other members of that committee, so far as that is concerned. We did not regard it as the responsibility of our committee to pass upon the evidence before the other committee. We did not try to evaluate the evidence before the Gillette committee. Our concern was with the charges referred to us relating to the conduct of the junior Senator from Wisconsin with reference to that committee as a whole.

Mr. WELKER. But the select committee was a fact-finding committee. I regret very much that I was not invited to appear.

Mr. CASE. We did not go back over the other committee's work. We did not try to determine the validity of their evidence or try to evaluate it. The other committee had made its report, and we were not retrying whatever was presented to the other committee.

Mr. WELKER. Does the Senator mean, then, that instead of having a judicial or a quasi-judicial body to accept testimony——

Mr. CASE. We did not accept it as testimony. We made no pronouncement or finding with respect to the junior Senator from Wisconsin on the charges presented to the Gillette committee. The report of the Gillette committee was brought into the hearings by counsel for the junior Senator from Wisconsin and incorporated as an appendix in our printed hearings. But we did not evaluate that evidence. We were not considering the charges before the Gillette committee. They were not referred to us.

Mr. WELKER. I take it the Senator is not advised that when subpenas were issued to those who might help the junior Senator from Wisconsin they were ordered canceled? Did the committee consider that?

Mr. CASE. I have no knowledge of what the Senator refers to.

Mr. WELKER. Perhaps I can enlighten the Senator. Later on in the debate I hope I can be of some benefit, because the Senator from South Dakota has been eminently fair.

Mr. CASE. I respect very much the Senator from Idaho.

Mr. McCARTHY. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. McCARTHY. Mr. President, I had a speech prepared for delivery today, which I gave the press. Obviously, at this late hour I shall be unable to deliver it, and I would ask unanimous consent to insert it in the body of the RECORD.

Mr. CASE. I have no objection to its being inserted. It can be inserted in the middle of my remarks, so far as that is concerned.

Mr. McCARTHY. At the end of the Senator's remarks.

Mr. CASE. I have no objection to its being inserted here.

Mr. McCARTHY. I request that it be inserted in the RECORD at the end of the Senator's remarks.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). Is there objection?

Mr. CASE. Reserving the right to object, last night I was told by representatives of the press and radio that the junior Senator from Wisconsin had prepared a speech which he would deliver today, and that a certain portion of it referred to members of the select committee as the unwitting handmaidens of the Communist Party. Was that the language?

Mr. McCARTHY. "Unwitting handmaids," I think. I pointed out that I did not wish to be misquoted as saying that the committee knowingly did the work of the Communist Party. I emphasized it and said that the members of the select committee were the unwitting handmaids of the Communist Party.

Mr. CASE. Mr. President, I have no objection to the speech being inserted in the RECORD, but I was sorry the junior Senator from Wisconsin should have started his defense by that line of presentation. I say very frankly that I hope the Senate and the American people will be understanding, and that they will look beyond whatever personalities may unfortunately be indulged during the debate, and will recognize that some tensions may be developed here. It is necessary to look beyond the personalities involved, if the Senate is to take the right action both for today and for the future.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CASE. I will yield in a moment.

The PRESIDING OFFICER. Does the Senator from South Dakota object?

Mr. CASE. I am reserving the right to object. I feel that we can contribute something to the strengthening of free institutions if we come to sound conclusions.

I said recently, in answer to a question asked of me during a television appearance, that I hoped Senators had not made up their minds in advance, and

that the Senate could consider this matter clearly and dispassionately.

I regret that the junior Senator from Wisconsin, at this stage of the proceedings, in advance of the debate on the floor, has felt it necessary to make a statement or to prepare a speech which, in some degree, is embarassing, or would be embarrassing, to the members of the committee, because I do not want the junior Senator from Wisconsin, unintentionally by statements in this debate, to prove to the American people the very charge that is in the first count.

I do not want him to offer proof to the American people that no man can serve on a committee of this nature in the Senate and escape personal abuse or attack. I do not want him to destroy the functioning of committees in the Senate by uttering derogatory words about Members who accept unpleasant assignments.

I do not want to see it happen again that it is necessary to draft Senators to serve on a committee of this nature. The basic issue in the first recommendation of the committee is that another committee was called upon to deal with some unfortunate, nasty charges and that its members were accused of acting dishonestly and otherwise abused.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. WELKER. Mr. President, will the Senator yield?

Mr. CASE. The charge here happens to be that the junior Senator from Wisconsin abused a committee for doing what the committee thought was their duty. I regret to see him prove the point.

Whether their verdicts are sound or not, whether their findings are correct or not, whether their recommendations are good or not, I hope there can be preserved for the Senate of the United States the right of Members to serve on special committees, distasteful as their duties may be; the right to serve on the Subcommittee on Privileges and Elections, and, if necessary, to go into the facts of unpleasant cases and report them to the Senate, without having their motives impugned.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CASE. I yield to the junior Senator from Wisconsin.

Mr. McCARTHY. I have never felt, nor do I feel now, that the able junior Senator from South Dakota has any personal animus toward me.

Mr. CASE. I assure the junior Senator from Wisconsin that I do not.

Mr. McCARTHY. I have felt that way all along. I have felt that way because of the conduct of the junior Senator from South Dakota during the course of the hearings. I feel that way now because of the Senator's conduct on the floor today.

Unfortunately, the Senator from South Dakota did not have at his command the evidence which he would have had, had it not been for what I considered to be the improper rulings of the chairman of the committee. For example, if the Senator from South Dakota had allowed me—I should not say the Senator from South Dakota, because the chairman was the one who ruled out the evidence—if I had been allowed to produce the evidence, I would have shown that the Gillette committee was operating to investigate the charges of William Benton; that William Benton's Communist activities and his connections in the State Department had been exposed, not only by me, but by others, as early as 1947.

If I may have the attention of the Presiding Officer, the present Presiding Officer [Mr. FERGUSON] was a member of the Committee on Appropriations at that time, and that committee made a report, pointing out that there were espionage and Communist infiltration in the State Department, extending into William Benton's office. I exposed that. Benton had a vested interest in seeing me discredited.

If the chairman of the select committee had allowed me to do so, I would have shown that the charges had been prepared by Benton because of that, and that they had been prepared in the Democratic national headquarters. There is no question about that. Benton admitted that he got help from that source.

So there was a chain of events. There was, first, the exposure of Communist infiltration of the State Department. It extended deep into William Benton's office while he was Assistant Secretary of State. When I was exposing that situation, he successfully held up my work for some time by preparing these charges. The charges were motivated—and I could have proved this if I had been allowed to do so—by the fact that I was exposing the Communists he kept in his office. There were a number of them—one, for example, by the name of Miller, whose discharge had been recommended by the Civil Service Commission because of his Communist activities. But Benton kept on promoting him.

The Gillette committee was investigating those charges. But the select committee would not allow me to show how the Gillette committee was operating. So there was a chain of events.

Therefore, I say, in all frankness, that, unknowingly, the select committee acted as the handmaid of the Communist Party. The select committee has done the job of the Communist Party without knowing it has done so. I do not believe there is a drop of Communist sympathy in the blood of any of the members of the select committee. I know the junior Senator from South Dakota is anti-Communist; but he has been used for the purpose of aiding the Communist cause. I said that in my speech.

Now I should like to ask a question, if I may.

Mr. CASE. I desire that the junior Senator from Wisconsin shall have the most complete opportunity to present his case. I appreciate that this is a serious matter. I even forgive him for any statement he might make which might be misinterpreted by some of my friends with reference to my character or my position, or whatever this unpleasant assignment has led me into. At the same time, I trust that he will not pursue the matter too far at this time, because I wish to conclude my remarks today, if possible, now that I have started.

Mr. McCARTHY. Mr. President, will the Senator from South Dakota yield for 1 or 2 questions?

Mr. CASE. I yield to the junior Senator from Wisconsin.

Mr. McCARTHY. I think the very meat, the very soul of the matter, is to be found on page 30 of the report. As I said this morning, McCARTHY is completely unimportant, merely incidental, in this debate. It is a question whether the Senate is to adopt a new rule.

I am certain the Senator from South Dakota is aware of the rule which his committee has urged. The committee has proposed adoption of a rule to the effect that a Senator cannot criticize a member of a committee. The committee report reads:

> If the rules and procedures were otherwise, no Senator could have freedom of action to perform his assigned committee duties.

I am certain the Senator from South Dakota will agree with me that if such a rule were adopted, no Senator would have freedom of speech any longer.

Mr. CASE. I do not agree with the interpretation which the junior Senator from Wisconsin places upon that. I shall comment on his statement later. I simply did not want my failure to challenge his statement to be construed as meaning that I agreed with the Senator's interpretation.

Mr. McCARTHY. Let me read the statement in the report:

> His public statement with reference to Senator HENDRICKSON was vulgar and insulting. Any Senator has the right to question, criticize, differ from, or condemn an official action of the body of which he is a member.

In other words, the committee holds that a Senator can criticize the action of the Senate. I continue:

> Or the constituent committees which are working arms of the Senate in proper language.

So the select committee holds that a Senator should be entitled to criticize the end result of a committee as a whole. The report then goes on to say:

> But he has no right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their personal character for what official action they took.

Mr. CASE. But I may say to the Senator——

Mr. McCARTHY. Let me read the remainder of the language, so that there will be no question raised about my taking it out of context:

> If the rules and procedures were otherwise, no Senator could have freedom of action to perform his assigned committee duties. If a Senator must first give consideration to whether an official action can be wantonly impugned by a colleague, as having been motivated by a lack of the very qualities and capacities every Senator is presumed to have, the processes of the Senate will be destroyed.

In view of that holding, I should like to ask this question: The junior Senator from Vermont [Mr. FLANDERS] rose on

the floor of the Senate, accused the committee of which I was chairman of sloppy actions, and said we had called the wrong man—Mr. Parrish. It was a case of mistaken identity. The junior Senator from Vermont wanted me to be censured for that. Parrish was subpenaed, appeared before the committee, and admitted that he was the right man, and spoke to the press about it.

The Senator from Vermont, on the floor of the Senate, accused me of being another Hitler. If this rule is to apply to me, if I cannot criticize members of the Gillette committee for what I considered to be improper activity—let us not decide at this point whether it was improper or not—and if I should be censured for that, is that a rule which applies only to McCARTHY? How about FLANDERS?

Mr. CASE. The principle applies to the Senator from Vermont [Mr. FLANDERS]. The committee tossed out the suggestion that the remarks which the junior Senator from Wisconsin made about the Senator from Vermont were any basis for censure, for we felt that terms used in the remarks of the Senator from Vermont about the Senator from Wisconsin were out of place. During the deliberations of the committee, the suggestion was even made that the remarks be made a subject of comment in the report. I do not hesitate to say, and I speak for myself, that I regarded the comments of the Senator from Vermont [Mr. FLANDERS], and his action in going into the Army-McCarthy hearings without invitation, interrupting them, making the statement he made, and then coming to the floor of the Senate and referring to the junior Senator from Wisconsin as a Hitler, or as pursuing the tactics of a Hitler, or referring to him as Dennis the Menace, where wholly out of place. The committee felt that because of those facts, the remarks of the junior Senator from Wisconsin with reference to the Senator from Vermont were provoked.

Mr. McCARTHY. Could we go a step further, then?

The PRESIDING OFFICER (Mr. FERGUSON in the chair). A unanimous-consent request has been made.

Mr. CASE. Mr. President, I waive my reservation of objection, resume the floor, and yield to the Senator from Wisconsin.

Mr. LANGER. Mr. President, reserving the right to object, and I shall object, I wish to say I have not made up my mind about this matter at all, but I do not propose to have a speech which the junior Senator from Wisconsin did not deliver published as having been delivered on the floor of the Senate. I ask unanimous consent that the distinguished Senator from South Dakota may yield to the distinguished junior Senator from Wisconsin so that he can make that speech, so that we Senators present, sitting as jurors and judges, may hear what the junior Senator from Wisconsin has to say. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CASE. Mr. President, I yield to the junior Senator from Wisconsin, but only for a question at this time. I see the hour is 5 o'clock, and I have tried to be generous——

Mr. McCARTHY. The Senator from South Dakota has been generous, but I should like to have one question answered. The Senator from South Dakota has stated that he believed the action of the Senator from Vermont to be improper, or something to that effect. Would the Senator consider that censurable? In other words, the Senator from Vermont was criticizing the chairman of a committee.

Mr. CASE. Mr. President, although obviously this is merely a report, and the comment is not a rule of the Senate, and we did not recommend it in the changes proposed for the rules of the Senate, it is implicit that the meaning is no Senator has the right to impugn the motives of individual Senators responsible for official duties, or to make reflections on their character for official actions taken, without being liable to answer for it.

Mr. McCARTHY. Without being liable to answer for it?

Mr. CASE. Yes.

Mr. McCARTHY. I am trying to get this information so I can prepare my case. Does the Senator say without the right to answer for it?

Mr. CASE. Without the liability of answering for it. He should be prepared to justify it if challenged.

Mr. McCARTHY. The Senator from Utah [Mr. WATKINS] ruled that I could not offer justification. For example, the Senator from South Dakota will recall that I was trying to prove the reason why I criticized members of the Gillette committee. The chairman of the select committee ruled that I could not give any justification; in other words, that, as a matter of form, I could not criticize any member of a committee. I wonder if that same rule also applies to a Senator who criticizes me.

Mr. CASE. I cannot speak for the rulings of the Chair. The chairman is the one by whom statements on the ruling should be made.

The PRESIDING OFFICER. The Chair has not ruled on any question.

Mr. CASE. I meant the chairman of the select committee. The junior Senator from South Dakota is not a lawyer. He has never been a judge. He would not presume to explain or point out the legal principles involved in the rulings of the chairman of the select committee during the hearings.

Mr. WELKER. Mr. President, will the Senator yield for half a second?

Mr. CASE. For half a second, I yield.

Mr. WELKER. I promise to speak very briefly. I heard the discussion between my two colleagues about one's not being a help to the Communist Party. I am wondering if members of the select committee at that time had seen copies of the Daily Worker, which nearly every day praised the committee, praised the Senator from Vermont [Mr. FLANDERS], and gave the Senator——

Mr. CASE. I had not seen the Daily Worker. I do not know whether any other member of the committee had.

Mr. WELKER. I wished to put that statement in the RECORD.

Mr. CASE. I had not seen the Daily Worker, and I do not know whether any other member of the committee had seen it. Having once served on the Committee on Un-American Activities in the House of Representatives, I am somewhat familiar with the tactics that are used by the Daily Worker and the whole Communist line. I would not be surprised to hear that they praise any statement or action which reflects on anyone they dislike; but I am not a reader of the Daily Worker and do not use it as a guide in any respect.

Senator McCARTHY has earned the hatred of the Daily Worker, and that is to his everlasting credit, but I shall have to repeat what I said earlier, that honorable service in one field does not create immunity from responsibility for proper conduct in others.

Mr. McCARTHY. Mr. President, will the Senator yield for a question?

Mr. CASE. The great tactic of infiltration, the great tactic of subversion, is to try to take a situation that exists and convert it to use for communistic purposes.

Mr. McCARTHY. Will the Senator yield?

Mr. CASE. The select committee did not create this situation; the Senate of the United States created the situation in which the committee found itself. If the Senate of the United States said to the select committee, "Here is a job you have to do," are we to welsh on it because we fear that the Daily Worker will say, "That is a little water on our wheel"?

When six Members of the Senate, chosen under the circumstances that existed, go into a matter referred to them, and come to the conclusion they feel is called for by the evidence and the testimony, and when they complete the unpleasant task handed them by the Senate, I hope that the Senate of the United States is not going to be impressed by the interpretation put upon the committee's action by the Daily Worker or any other smear organization or setup that they are following the party line, or are their handmaidens or servants, or anything of that kind.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Wisconsin.

Mr. McCARTHY. There is an extremely important point as to which I have not yet received an answer. I realize that the Senator from South Dakota is not a lawyer, but he signed the report, and he is an intelligent Senator. The Senator from South Dakota has held, over his signature, that a Senator has no right to criticize an individual member of a committee——

Mr. CASE. For his action on that committee. No Senator should impugn the motives of another Senator for his action on a committee unless he is prepared to prove them to be bad.

Mr. McCARTHY. All right. How about the impugning of my motives on the investigating committee? Is that proper? Let us assume that a Senator's motives are bad. Let us assume that the

Senator from South Dakota knows that my motives are extremely bad.

Mr. CASE. The Senator from South Dakota does not impugn the motives of the junior Senator from Wisconsin on the investigating committee. The Senator from South Dakota will pay a tribute to the motives of the junior Senator from Wisconsin on the investigating committee.

Mr. McCARTHY. The Senator has not understood my question. Let us assume that a Senator, one of the 96, who is serving on a committee has bad motives. Let us assume he is dishonest. Is it the position of the Senator from South Dakota that no other Senator could criticize him?

Mr. CASE. No, it is not; because then, in an answer, he could prove those motives; and if he proved them to be bad motives, the proper verdict or answer would follow.

Mr. McCARTHY. Then, we are going in a circle again.

Does not the Senator recall that when I tried to prove the motives behind the Gillette subcommittee, and tried to prove that they called a man they knew to be insane, for the purpose of smearing me, that was ruled out; and the Senator from South Dakota sat there and joined in that ruling? Now he says there should have been a different ruling; now he says I should have been able to show the motives; is that correct?

Mr. CASE. So far as I am concerned, I would indulge the junior Senator from Wisconsin with the widest latitude in presenting anything of that kind. I was not aware of the implications of the ruling at that particular time on that particular point. Until the Senator from Wisconsin spoke here today, I was not aware of the implications of it.

Be that as it may, as I say, I think questions on the rulings of the chairman of the committee on the materiality and competency of evidence should be dealt with by the chairman or by some lawyer member of the committee who is familiar with the rules of evidence.

Mr. McCARTHY. The chairman of the committee refuses to answer, and says I should ask other members of the committee.

I call the attention of the Senator from South Dakota to page 296 of the record, where the chairman said that even if the Gillette subcommittee were hiring insane investigators, I could not prove that as a ground for criticizing the subcommittee.

Does the Senator agree that even if the subcommittee was hiring insane investigators to investigate me, I could not have shown that as a justification for saying to the public that the subcommittee was doing something wrong?

Mr. CASE. I think the chairman of the committee made a statement of approximately two pages in discussion of that point, in connection with his ruling, when he reviewed it later in the hearings. I doubt that we should engage in a discussion of that matter at a time when the chairman of the committee is temporarily absent from the floor.

Mr. President, I have endeavored to be as generous as possible in yielding, and I should like to proceed.

Let me ask the distinguished majority leader whether he plans to have the Senate adjourn at 5 o'clock or at 5:30 p. m. today.

Mr. KNOWLAND. It had been my hope, particularly in view of the requests coming from many Senators, that we would be able to complete our work for today when the Senator from South Dakota had completed his remarks.

It is now 5:15. Of course, we could have the debate continue until much later in the evening. But any number of Senators have expressed the hope that that would not be done.

Again, subject to the approval of the Senate, I was prepared to suggest that when the Senator from South Dakota concluded, the Senate stand in recess until 12 o'clock noon, tomorrow. Then, on tomorrow, I shall have further consultations with the minority leader and with other Senators on both sides of the aisle. We shall not have a Saturday session this week; that has previously been announced. I am hopeful that we can work out a schedule that will be mutually satisfactory.

Mr. LANGER. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I yield.

Mr. LANGER. In simple fairness, does not the distinguished Senator from California believe that the junior Senator from Wisconsin [Mr. McCARTHY] should be given time tonight to read the speech he issued to the press?

Mr. KNOWLAND. Or the Senator from Wisconsin could have it inserted in the RECORD, without having it appear as a speech which was actually delivered in the Senate. I think it has not been unprecedented in the Senate to have such matters printed in the RECORD as statements, and that would cover any press release he had given out. Thus it would not appear in the RECORD as a speech actually delivered on the floor of the Senate, for we have been very strict on that score, namely, that we would not permit material placed in the RECORD in that way to appear as a speech actually delivered on the floor of the Senate. But it would appear as a statement, and it would be in the RECORD—if that is the desire of the Senator from Wisconsin.

But if at this hour of the day we begin a major discussion, I am a little afraid that we shall continue with it for a long time.

Frankly, I was trying to adjust to the suggestions of a number of Senators on both sides of the aisle, who had requested that we not continue the session beyond 5:30 p. m., today.

Mr. LANGER. Let me say to my distinguished friend that I have no objection to having the Senator from Wisconsin file as a statement anything he wishes to file; but I wish it understood that it is not to be shown as a speech actually delivered on the floor of the Senate, when as a matter of fact it was not so delivered.

Mr. KNOWLAND. On that point I fully concur with the Senator from North Dakota.

Mr. McCARTHY. I agree.

Mr. KNOWLAND. I would object to having printed in the RECORD, as a speech, material which was not actually delivered on the floor of the Senate as a speech.

Of course, one of the dangers in connection with issuing advance press releases is that conditions may change between the time the advance release is issued and the time when the Senator concerned obtains the floor. Furthermore, in the normal course of events, such a Senator might wish to make changes in his speech, as compared with what might be shown in the advance release.

But if the course suggested is agreeable to the Senator from Wisconsin, of course he can request unanimous consent that the material to which he has referred be included in the RECORD as a statement by him.

Mr. McCARTHY. I thought that was what I had requested. I think the Senator misunderstood me. I was not asking that it appear that I had delivered it on the floor of the Senate. I was merely asking that it be included in the RECORD.

Mr. LANGER. Then there is no objection on the part of the Senator from North Dakota.

Mr. CASE. Mr. President, I yield for such a unanimous-consent request.

The PRESIDING OFFICER. Is the Chair to understand that such a request has been made, and that the previous objection has been withdrawn?

Mr. LANGER. Yes; if it is filed as a statement.

The PRESIDING OFFICER. Without objection, it will be received and will be printed in the RECORD as a statement.

Mr. LANGER. Then I have no objection.

Mr. McCARTHY. I should like to have the RECORD show that I had intended to give it as a speech, but time was used up, and I could not do so. For that reason, I have asked to have it inserted in the RECORD.

(The statement prepared by Mr. McCARTHY appears in today's RECORD at the conclusion of the remarks of Mr. CASE.)

Mr. McCARTHY. Mr. President, will the Senator from South Dakota yield for a question?

Mr. CASE. Does the question have to do with either of the counts on which the recommendations are made?

Mr. McCARTHY. Yes, it has to do with something which I think the Senator's committee might wish to change overnight. I should like to ask a question, and when the Senator hears it, I think perhaps he may wish to recommend to his committee that the resolution be amended.

Mr. CASE. Very well, I yield for the question.

Mr. McCARTHY. If the Senator from South Dakota will refer to page 2 of the resolution, beginning in line 6, he will find set forth—

> The Senator from Wisconsin, Mr. McCARTHY, in conducting a senatorial inquiry intemperately abused, and released executive hearings—

And so forth. I call his attention to the fact that I presented to the committee a telegram—I shall not take the Senator's time to read it again—in which I requested the permission of the

members of the subcommittee to release the executive-session testimony. I do not think the Senator's committee wishes to censure all six members of my subcommittee for releasing that testimony. I cannot conceive why this statement was inserted in the resolution. I do not believe the Senator from South Dakota himself was aware of it; but it is so obviously and patently false that it should be stricken by the committee, rather than by action of the Senate.

Mr. CASE. Mr. President, I shall be glad to refer that question to the members of the committee.

Mr. McCARTHY. I wish the Senator would do so.

Mr. CASE. I may state that I think there was one draft of that paragraph containing the words "without permission of his subcommittee colleagues," and I insisted that that should be stricken. But possibly I should have gone even further, and should have had the remainder of it stricken. I do not know. It is a matter which should be referred to the committee.

Mr. McCARTHY. Unless the Senator from South Dakota feels that my subcommittee does not have the right every other subcommittee has, namely, to release executive testimony, then there is no ground for censure.

Mr. CASE. I think the Senator from Wisconsin has made a record there which can appropriately be referred to the committee, and it is for the committee to determine. I am not authorized to amend the resolution in behalf of the committee. I would favor the change in the light of the Senator's statement.

Mr. WATKINS. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I am glad to yield to the chairman of the committee.

Mr. WATKINS. I wish to call the Senator's attention to the fact that I think it was originally intended that that should have been "a release and résumé of an executive hearing in which he denounced," and so forth. It was not the printed record, but a résumé, which he gave to the press immediately after the hearing closed.

Mr. KNOWLAND rose.

Mr. CASE. Mr. President, I see the majority leader on his feet. Does he wish to move a recess?

Mr. KNOWLAND. If the Senator has concluded his remarks.

Mr. CASE. I had not concluded my remarks. I was reluctant to speak this afternoon because I was not under the impression that I was scheduled to speak. I was not fully prepared. I had no written speech, but I do have another point which I could cover if the session is to run on.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. McCARTHY. Let me make a suggestion to the majority leader. I shall have many questions to ask the very able Senator from South Dakota. They will require much more than the 10 minutes between now and 5:30. I suggest that the Senate take a recess so as to give the able Senator from South Dakota sufficient time to prepare tonight, so that my questions may be answered tomorrow. I shall be glad to give the Senator from South Dakota some indication as to what the questions will be.

Mr. CASE. Mr. President, I do not wish to yield the floor with any intimation that I am binding myself to answer certain questions which the junior Senator from Wisconsin may present tonight or tomorrow. That will have to be governed by the situation tomorrow. I wish to conclude then whatever remarks I have to make in general, since I was more or less reluctantly put in the position of carrying on the discussion this afternoon. I wish to conclude my remarks the next time I take the floor. I hope I shall not require very long.

Mr. McCARTHY. I sincerely hope that none of the members of the committee will refuse to answer questions which I ask with respect to the record and the rulings. That is a matter of vital concern to the Senate.

Mr. CASE. Mr. President, the conduct of the junior Senator from South Dakota in yielding to the junior Senator from Wisconsin this afternoon ought to speak for itself.

Mr. President, I yield the floor with the understanding that I may be recognized tomorrow when the Senate resumes consideration of Senate Resolution 301.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

STATEMENT BY SENATOR McCARTHY PREPARED FOR DELIVERY IN THE UNITED STATES SENATE ON NOVEMBER 10, 1954

This week the United States Senate convened in special session to debate Senator FLANDER'S resolution to censure me. I take it, judging from declarations of individual Senators—made in most cases without bothering to study the Watkins committee record—that the resolution will be approved. I will be censured.

Today I want to discuss with you the implications, as I see them, of the censure vote.

There are two things about censure that the American people should understand. There is one thing that censure unquestionably does mean. It does mean that those who are leading the fight against subversion have been slowed down, and that others who might otherwise have been enlisted in the fight will be discouraged from joining us by the now-established hazards of such a course. It thus does mean that the Communist Party has achieved a major victory.

But there is another thing that the censure votes does not mean. It does not mean that the Communists have achieved a permanent success; it does not mean that either the will or the ultimate ability of the American people to ferret out traitors and security risks has been destroyed—or that their present leaders in this fight have been intimidated.

Let me say, incidentally, that it is not easy for a man to assert that he is the symbol of resistance to Communist subversion—that the Nation's fate is in some respects tied to his own fate. It is much easier, I assure you, to be coy—to play down one's personal role in this struggle for freedom. Self-effacement is always a comfortable posture.

But I take it that you would rather I be frank than coy; that you would rather I acknowledge and accept the fact that McCarthyism is a household word for describing a way of dealing with treason and the threat of treason; and so I shall.

I am saying that the censure vote is to be understood primarily in terms of its bearing on the Communist issue. During the course of the Senate debate, I shall have occasion to discuss in some detail the specific charges considered by the Watkins group. I shall be comparing that committee's report with both the written and unwritten record of its hearings. I shall point out the discrepancies, the inaccuracies, the misrepresentations. Of course, in criticizing a Senate committee, I will run the risk of someone reactivating Senator FLANDERS and setting him agoing with a new censure resolution. So be it. I shall also call attention to the blatant prejudice of some of the Watkins committee members. I shall discuss these things just to keep the record straight.

But I would be missing the point entirely and I would be guilty of misleading you if I were to suggest that the Senate has made up its mind, or that the Watkins group made up its mind, on the basis of the petty charges contained in the Flanders resolution. Even my bitterest enemy will admit, if he is honest, that these matters would not have been given a second thought if someone other than McCARTHY were involved.

"Abuse" of General Zwicker? Why, within the last months several committee members have used much stronger language toward witnesses. No censure resolution has been offered in these instances, and none will be.

Denouncing a Senate committee and its members? Why, Senators have done this with varying degrees of gusto from time immemorial—sometimes (as I believe to be the case with the Gillette committee) with justification, sometimes without it—but always with impunity, inasmuch as this is a land of free speech.

My colleagues are perfectly well aware that they would not be in Washington this month were it not for the fact that I have been prominently involved in the fight against Communist subversion. That being the case, let us not pretend otherwise.

If I lose on the censure vote, it follows, of course, that someone else wins. Now, I ask the American people to consider carefully: Who is it that wins? And then, having answered that question, I ask them to contemplate the shocking truth revealed by the fact that the victors have been able to win.

There is one group that is pretty sure about who has won.

When the Watkins committee announced its recommendation of censure, the Communists made no attempt to conceal their joy. The Daily Worker's headline that day read, "Throw the Bum Out" (that's me). And the story beneath said, and I quote: "America is catching up with McCARTHY. * * * It is good news for America—for its free speech, its right to speak out for peace, coexistence, and the abolition of H-bomb war."

Now, the Daily Worker was not just applauding a committee of the United States Senate. Its cry was primarily one of self-congratulation, of smug jubilation over the success of the Communists' own efforts to rebuke me. The Communists could point with justifiable pride to the campaign they have waged vigorously and unceasingly long before Senator FLANDERS was taken out of mothballs and persuaded to advance his censure motion last July.

No sooner had the Flanders resolution been moved than the Daily Worker called to party members in flaming headlines, "Aid Senate Fight on McCARTHY." The Daily Worker's story that day read, and I quote it: "We urge all New Yorkers to write to IVES insisting he support the Flanders resolution. We urge New Yorkers to write to Senator HERBERT LEHMAN suggesting he put the heat on the Democrat Senate leadership to line up behind the resolution. We urge readers everywhere to line up behind the resolution. We urge readers everywhere to take

similar action in connection with their Senators." In this vein the campaign continued, gaining momentum day by day; and even as I speak to you now a new story denouncing me is rolling off the Daily Worker presses.

There is, of course, nothing remarkable in the fact that the Communists have mobilized their strength behind the Flanders resolution. This was to be expected. From the moment I entered the fight against subversion back in 1950 at Wheeling, W. Va., the Communists have said that the destruction of me and what I stand for is their No. 1 objective in this country.

Now it does not follow necessarily that an objective of the Communist Party is, ipso facto, contrary to the interests of the United States. But surely the strongest sort of presumption lies in this direction. And I beg the American people in every instance to have cogent, airtight reasons for disregarding this presumption before they embrace the objectives of those who have sworn to destroy this country.

Perhaps the Communists are mistaken in believing that McCarthyism is the greatest obstacle to their success. But I know of no better judge of what helps and what hurts communism than the Communist Party itself.

There is another group that regards my destruction as its chief political goal and that will claim a victory if censure is voted. This group has been well characterized as the anti-anti-Communists—persons who profess opposition to communism but who spend most of their time attempting to discredit those who hurt the Communists. For some years now this group has played the theme—in the press and on the radio, from public lecture platforms and in the classroom—that hard anticommunism somehow represents a greater threat to America than communism itself. They have chosen to call hard anticommunism, "McCarthyism." I accept their nomenclature and I am, of course, honored by it.

This group is as powerful as it is ruthless. It has at its beck and call the greater part of the opinion-molding machinery of the United States. It dominates the Nation's literature. It has enlisted a majority of the press. It manages the Luce empire which long ago abandoned any pretext of objective reporting in its newssheets.

After censure has been voted, the anti-anti-Communists will indeed deserve a large share of the credit. For they contributed mightily to the campaign to get McCarthy. But who benefits from such a victory? Is the Communist gain any the less because it has been brought about by the cooperation of non-Communists? Whenever the advocates of softness toward communism get their way, the only real victor is the Communist Party.

Now, my fellow Americans, is not all of this eloquent testimony to the great danger confronting our country? If I succeed in nothing else during the rest of my life, I would like to impress upon you the immense and awesome power of the Communist Party in this country.

Nothing is more frightening to me than that some Americans have apparently accepted the shabby dictum that the Communist Party is a small, ineffectual group whose strength is measured only by its several thousand members.

The real strength of the Communist Party is measured by the extent to which Communist objectives have been embraced by loyal Americans. It is measured by the Communists' ability to influence the American mind—to persuade large numbers of otherwise sound thinking Americans that our Government is wise to let up in its efforts to clean out the subversives and to attack, instead, those who have hurt the Communists. I would have the American people recognize, and contemplate in dread, the fact that the Communist Party—a relatively small group of deadly conspirators—has now extended its tentacles to that most respected of American bodies, the United States Senate; that it has made a committee of the Senate its unwitting handmaiden.

Let me be very clear about this. I am not saying, as I am confident the opposition press will have me saying tomorrow, that the Watkins committee knowingly did the work of the Communist Party. I am saying it was the victim of a Communist campaign; and having been victimized, it became the Communist Party's involuntary agent.

I am aware that many of you listening to me regard this as an unpalatable proposition. I have made similar statements before, in other contexts. Such statements never fail to exasperate a good number of loyal Americans. But said they must be if we are to survive, and said they will be.

I regard as the most disturbing phenomenon in America today the fact that so many Americans still refuse to acknowledge the ability of Communists to persuade loyal Americans to do their work for them. In the course of the Senate debate I shall demonstrate that the Watkins committee has done the work of the Communist Party, that it not only cooperated in the achievement of Communist goals, but that in writing its report it imitated Communist methods—that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization for advising the Senate to accede to the clamor for my scalp.

But perhaps more important than explaining how the Watkins committee did the work of the Communist Party is the job of alerting the American people to the fact that this vast conspiracy possesses the power to turn their most trusted servants into its attorneys-in-fact.

We must not underestimate our enemy.

Who, in the light of the small membership of the Communist Party, would have supposed that an American President could be persuaded to turn over the fruits of a victorious war to international communism and to condemn with one stroke of his pen literally millions of Europeans and Asians to Soviet domination? Yet at Yalta, through the efforts of Alger Hiss, and perhaps others we know not of, Franklin Roosevelt was persuaded to do this.

Who would have supposed that this small group of conspirators had the power and strategic location to persuade our Departments of State and Defense to sacrifice the only militant anti-Communist regime on the Asian mainland and pave the way for the ascendancy of the Chinese Communists? But the foul deed was done.

Who would have thought that an American Secretary of State could be brought to affirm his undying comradeship with a convicted traitor? Yet Dean Acheson did this when he said, "I will not turn my back on Alger Hiss."

Who would have thought that America's intellectual leadership could be mobilized almost to a man in a campaign to vilify and pillory the gallant congressional committee that during the late thirties and early forties sought to warn America against the Communist fifth column? Yet the Dies committee was so vilified and pilloried; and Martin Dies himself, who in my opinion will go down in history as a heroic voice crying in the wilderness, was damned and humiliated and driven from public life.

Whatever anyone may say of the motives of those involved, can there be any doubt that Franklin Roosevelt and Dean Acheson and those who ruined Martin Dies were doing the work of the Communist Party?

One of the obstacles to an adequate appreciation of Communist strength is the almost uniform habit of those who have been dupes of denying their error—of trying to rationalize their conduct by the press of the times and circumstances.

Now and then, however, a former dupe has the courage to admit his error. Such a man is John J. O'Connor, a former Congressman from the State of New York. In 1940, Representative O'Connor admitted that he had, in effect, unknowingly done the work of the Communist Party in helping to pillory Martin Dies. His confession contained an important lesson for us today.

But let me give you the background of this story. Back in 1934 Representative O'Connor was a member of the so-called Bulwinkle committee. That committee, some of you may recall, heard Dr. William A. Wirt disclose his personal knowledge of traitors high in Government circles. Dr. Wirt had no personal ax to grind. A selfless man, he was trying only to alert Congress and the Nation to the existence of treason in high places. But his story was greeted with contempt and derision. He was treated by the Bulwinkle committee as though he were the culprit. He was ridiculed and held up to public scorn. The committee refused even to hear the witnesses he promised would fully corroborate his story. His reputation smeared by the left-wing press, his spirit broken, Dr. Wirt shortly afterward died, a discredited man.

Listen now, as Representative O'Connor relates his own role in that unsavory performance by a committee of the United States Congress:

"On the sixth anniversary of the 'purging' of Dr. William A. Wirt before a congressional special committee, of which I was an active member, I desired to relieve my conscience of a matter which has long burdened it. The pack," he said, referring to the Bulwinkle committee, "got the smell of blood and tracked down the prey. A great job was done. Little did we know that most of the happenings which Dr. Wirt said the plotters had predicted would come to pass. Most of them came to pass even before Dr. Wirt's untimely and regrettable death.

"Or maybe, in our hearts, we knew the plot was not idle gossip and we lunged at the discloser to appease our consciences.

"Many times privately have I apologized for my part in turning the thumb-screws, and I take this occasion to do so publicly.

"May Dr. Wirt's honest, patriotic soul rest in peace."

This is not just a story of personal tragedy. It was a national tragedy. Because a congressional committee allowed itself to be used as a tool of Communist propaganda, Congress and the American people as early as 1934 were denied important knowledge of the Communist conspiracy—they might have had—knowledge that might possibly have prevented the disasters of later years.

Most Americans are well enough acquainted with Communist purposes. But far too few appreciate Communist power. Most of us are aware that Communists as a matter of course attempt to discredit those who hurt them. But too few of us realize how often such attempts are successful.

There is nothing remarkable in the fact that the Communists sought to discredit me in 1950 when I first charged that Communists had managed to infiltrate the State Department in force. It is remarkable, however, that they were successful in preventing even an investigation of those charges. The Tydings committee was given this job, but instead of investigating the State Department, it investigated me. Paying not the slightest attention to the evidence I presented, it labled my charges a "fraud and a hoax." This success of the Communists is indeed startling in the light of the fact that over a score of the cases I gave the Tydings committee were later discharged on loyalty grounds.

It is not surprising that after my Tydings charges were vindicated the Communists supported the efforts of Senator Benton to

have me expelled from the Senate. But it is very significant that the Gillette committee spent a year and a half trying to put some substance into Benton's trumped-up charges.

It is neither significant nor newsworthy that the Communist Party has attempted to discredit the Senate Permanent Subcommittee on Investigations ever since I became its chairman. It is significant, however, that they have to a large extent succeeded in discrediting it.

It is not significant that the Communists claimed my committee's investigation of the State Department's Information Service was a failure. But it is significant that large numbers of Americans really believe that nothing was accomplished—despite the fact that as a result of the committee's work the State Department in the person of Secretary Dulles reversed its policy of subsidizing Communist books with the money of American taxpayers.

It is not significant that the Communists claimed the committee's investigation at Fort Monmouth was a failure. But it is very significant that the majority of the press, many of our national leaders, and so many individual Americans have bought this lie—in the teeth of the uncontrovertible fact that 33 security risks at Fort Monmouth were suspended after the committee got on the job.

It is not significant that the Communists should want members of the military who are acquainted with the Fort Monmouth situation to be silenced. But it is frighteningly significant that they have succeeded in this—that General Lawton to this day is still forbidden by his superiors in the Pentagon to tell the story of his own long and unsuccessful attempts to get rid of security risks at Fort Monmouth, attempts that bore fruit only after the Investigations Subcommittee arrived on the scene.

It is surely not significant that the Communists desire that the names of the Pentagon officials who were responsible for the promotion and honorable discharge of Major Peress be kept secret. But it is most significant that as a matter of fact these names have never been disclosed.

It is hardly significant that the Communists should have wanted to divert an investigation of the friends of Major Peress to an investigation of those who have exposed Major Peress. But it absolutely beggars belief that they have managed to do so.

In view of this pattern of Communist success—in view of the Communists' uncanny ability to strike back just when it would appear that their strength has dissipated—can anyone doubt that the security of this country is still in great danger?

But while I would never have you underestimate the Communist threat, neither would I have you believe that this thing is unbeatable. I haven't the slightest doubt that one day, and perhaps soon, the American people will rise up in righteous fury and, once and for all, extinguish the Communist menace. As for me, I will be around for some time and I will continue to serve the cause to which I have dedicated my life.

The Communists have now managed to have me investigated five times. If they fail to silence me this time—and make no mistake about it, they will fail—I will be investigated a sixth time and a seventh. But, in a sense, a new investigation of me is good news. It means that the Communists have been hurt again.

Since the Democrat Party will, next January, organize the Senate, I will no longer be in a position to direct a formal committee investigation of communism. Therefore, I shall proceed as I proceeded before when the Democrats controlled the Senate. I shall take to the people what evidence I have of Communists and other security risks in positions where they can endanger this Nation. Unfortunately, a substantial volume of such evidence exists.

But in this effort I will, as before, need your cooperation. The shouts that America is in no real danger from Communist infiltration will become louder before they grow softer. It will be said with increased frequency that more important than making America strong is getting the approval of Europeans for our system of security enforcement. If the American people should succumb to these views I truly fear for civilization.

I have, in conclusion, a word for my Senate colleagues. Many of you have either already declared yourselves or have agreed to follow a party policy. It is probably too late to turn back. It is not easy to ignore the clamor of the mob. But as you vote "aye" on this resolution I urge you to weigh carefully the question: Who has really won by this vote of censure? Perhaps the answer will encourage you to wage purposeful, yes, vengeful battles against communism in the future. And perhaps the answer will constrain some of you, at not a too distant date, to say with Representative O'Connor: "The pack got the smell of blood and tracked down the prey * * * in our hearts we knew the plot was not idle gossip and we lunged at the discloser to appease our consciences."

Mr. KNOWLAND. Mr. President, I am about to move that the Senate stand in recess until 12 o'clock noon tomorrow, but before making such a motion, if I may have the attention of the junior Senator from South Dakota, let me say that I understand that because of the unanimous-consent agreement he will have the floor when the Senate reconvenes tomorrow. I wish to have it understood that there may be the regular morning hour, under the 2-minute limitation. Following that, when the Senate resumes general debate, the Senator from South Dakota will resume where he left off today.

Mr. CASE. I intended to say—and I thought I did—that I yielded the floor with the understanding that I might be recognized tomorrow when the Senate resumes the consideration of Senate Resolution 301.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. KNOWLAND. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Thursday, November 11, 1954, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 10, 1954:

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The following-named persons to be representatives of the United States of America to the eighth session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Albert F. Nufer, of New York.
Samuel M. Brownell, of Connecticut.
Mrs. Elizabeth E. Heffelfinger, of Minnesota.
Athelstan F. Spilhaus, of Minnesota.

UNITED STATES DISTRICT JUDGE

Joseph Charles McGarraghy, of the District of Columbia, to be United States district judge for the District of Columbia, vice Walter M. Bastian, elevated.

SENATE

THURSDAY, NOVEMBER 11, 1954

(Legislative day of Wednesday, November 10, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou God of the living and of the living dead, on this day when the Nation bows in reverence and gratitude at the graves of its heroic defenders and salutes in honor the veterans who marched in the armies of freedom, we would rededicate all that we have and are to the unfinished task of making all men free.

We pray today for our Nation, girding its strength, material and spiritual, as it faces the principalities of darkness; and we implore Thy benediction upon all whom we ourselves have set in authority. As the Republic hallows the past, save us from unwittingly desecrating the present by fostering disorder, discord, and suspicion in the ranks of those who in this grim day, in the name of our America, front the most deadly and determined foes of all we hold dear. Deliver us from the supreme folly of turning from the common enemy which seeks to destroy us, as with arrows of ridicule or slander we wound or hurt comrades by our side, whose patriotism is unsullied. In this day of destiny may we be carried up into Thy great purposes and find in Thee, above all our human contentions, the goal of all our striving and the end of all desire: Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, November 10, 1954, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.